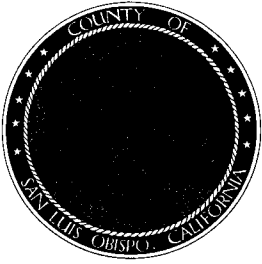


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

|  |  |                                      |   |   |  |
|--|--|--------------------------------------|---|---|--|
| (1) DEPARTMENT<br>Planning and Building  |  | (2) MEETING DATE<br>January 24, 2005 |   | (3) CONTACT/PHONE<br>Kerry Brown, Planner III<br>(805) 781-5713 |  |
| (4) SUBJECT<br>Hearing to consider an appeal by Charles R. Gillem of the Planning Commission's decision to approve the application of SBC for a Development Plan /Variance /Coastal Development Permit DRC2004-00060 / DRC2005-00041. Supervisorial District 2   |  |                                      |   |   |  |
| (5) SUMMARY OF REQUEST<br>On November 30, 2005, a Development Plan / Variance / Coastal Development Plan was approved to allow the installation of a new replacement emergency generator to be located in the front setback by the Planning Commission. The generator is needed to support an existing telephone switching facility. The project will result in the disturbance of approximately 200 square feet of a 6,000 square feet parcel. The project was appealed on December 14, 2005 by Charles R. Gillem. The appeal is based on inconsistencies with the Local Coastal Program. The project is located at 65 13 <sup>th</sup> Street, in the community of Cayucos, in the Estero planning area. |  |                                      |   |   |  |
| (6) RECOMMENDED ACTION<br>Adopt the resolution affirming the decision of the Planning Commission, and conditionally approving Development Plan / Variance /Coastal Development Permit DRC2004-00060 / DRC2005-00041 based on the findings in Exhibit A and B and the conditions in Exhibit C.  |  |                                      |   |   |  |
| (7) FUNDING SOURCE(S)<br>N/A   |  | (8) CURRENT YEAR COST<br>N/A         |   | (9) ANNUAL COST<br>N/A  |  |
| (10) BUDGETED?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A<br><input type="checkbox"/> NO  |  |                                      |   |   |  |
| (11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):<br>Public Works, Cayucos Fire Department, Environmental Health, Paso Robles Beach Water Association, Cayucos Sanitary District, the Cayucos Citizens' Advisory Council, and the California Coastal Commission.  |  |                                      |   |   |  |
| (12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____<br><input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help   |  |                                      |   |   |  |
| (13) SUPERVISOR DISTRICT(S)<br>1st, <input checked="" type="checkbox"/> 2nd, 3rd, 4th, 5th, All  |  |                                      | (14) LOCATION MAP<br><input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A  |   |  |
| (15) AGENDA PLACEMENT<br><input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est 60 minutes)<br><input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)   |  |                                      | (16) EXECUTED DOCUMENTS<br><input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies)<br><input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A |   |  |
| (17) NEED EXTRA EXECUTED COPIES?<br><input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A   |  |                                      | (18) APPROPRIATION TRANSFER REQUIRED?<br><input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A  |   |  |

(19) ADMINISTRATIVE OFFICE REVIEW

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(1.24.06)



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**DATE:** JANUARY 24, 2006

**TO:** BOARD OF SUPERVISORS

**FROM:** KERRY BROWN, PLANNER III

**VIA:** WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

**SUBJECT:** HEARING TO CONSIDER AN APPEAL BY CHARLES R. GILLEM OF THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF SBC FOR A DEVELOPMENT PLAN / VARIANCE / COASTAL DEVELOPMENT PERMIT DRC2004-00060 / DRC2005-00041. SUPERVISORIAL DISTRICT 2

## RECOMMENDATION

Adopt the resolution affirming the decision of the Planning Commission, and conditionally approving Development Plan / Variance / Coastal Development Permit DRC2004-00060 / DRC2005-00041 based on the findings in Exhibit A and B and the conditions in Exhibit C.

## DISCUSSION

The proposed project is a request by SBC to allow the installation of a new replacement emergency generator to be located in the front setback. The generator is needed to support an existing telephone switching facility. The project will result in the disturbance of approximately 200 square feet of a 6,000 square feet parcel. The project was approved on November 30, 2005 by the Planning Commission and appealed on December 14, 2005 by Charles R. Gillem. The appeal is based on inconsistencies with the Local Coastal Program. The project is located at 65 13<sup>th</sup> Street in the community of Cayucos in the Estero planning area.

## ISSUES OF APPEAL

**Issue 1: Health, Safety, and Financial Welfare.** The appellant states that the project will sacrifice the health, safety, and financial welfare of the area residents.

**Staff Response.** The project is required to meet all health and safety requirements of the Air Pollution Control District and the Department of Environmental Health (see conditions 6 and 7). In addition, the project is required to submit an environmental quality assurance program covering all aspects of construction and operation. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Development Plan (see condition 8). The Planning Department does not review projects for individual effects on property values or financial welfare. *CH*

**Issue 2: The Existing Emergency Generator was smaller than the one currently being proposed.** The proposed emergency generator is extreme considering the size of the previous generator.

Staff Response. The existing generator is over 30 years old and does not meet current safety standards. In order to meet current demand and future growth projections the new generator needs to be larger than the existing generator and will not fit where the current generator is housed.

**Issue 3: The required Variance is in itself an indication of the inappropriate size and location of the generator.**

Staff Response: The Variance is not dictated by the size of the generator. The variance is required based on the location; initially SBC proposed three alternative locations on the site for the emergency generator and its enclosure. The other alternatives included two in the rear and one on the east side of the site. The neighboring property owners were concerned about noise and aesthetic issues. In order to better fit into the existing residential neighborhood, the applicant proposed locating the emergency generator in the front setback to allow for an increased buffer for all surrounding residential properties.

**Issue 4: The proposed generator would be located approximately 15 feet from the appellant's living room.**

Staff Response: The location of the SBC telephone switching facility is located in a residential neighborhood and is in close proximity to residences on all four sides. Given the location of the switching facility, it's inevitable that the generator will be relatively close to residences. Other alternative locations initially proposed were closer to the residences than the proposed project.

#### **OTHER AGENCY INVOLVEMENT**

Project referrals were sent to the Cayucos Citizens' Advisory Council, Public Works, Environmental Health, Cayucos Sanitary District, Paso Robles Beach Water Association, APCD, Cayucos Fire Department, and the California Coastal Commission. The Cayucos Citizens' Advisory Council reviewed the project on three occasions (October 2004, June 2004 and August 2005). Many concerns were brought forth at the first and second meeting, the applicant addressed these issues and received support from the advisory council in August 2005.

#### **FINANCIAL CONSIDERATIONS**

No appeal fees were paid because the appeal is based on inconsistencies with the Local Coastal Program.

#### **RESULTS**

Should the Board of Supervisors adopt the staff recommendation and deny the appeal, the applicant could proceed with the proposed Development Plan / Variance / Coastal Development Permit, unless the project is appealed to the California Coastal

Commission and subsequently denied by that agency. If the Board of Supervisors upholds the appeal, the applicant could not proceed with the project.

- ATTACHMENTS:**
1. Board Resolution DRC2004-00060 / DRC2005-00041  
Exhibit A and B– Findings DRC2004-00060 / DRC2005-00041  
Exhibit C – Conditions of Approval DRC2004-00060 / DRC2005-00041
  2. Appeal letter
  3. November 30, 2005 Planning Commission staff report
  4. Letters received

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**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AFFIRMING THE DECISION OF THE  
PLANNING COMMISSION AND CONDITIONALLY APPROVING  
THE APPLICATION OF SBC  
FOR DEVELOPMENT PLAN / VARIANCE / COASTAL DEVELOPMENT PERMIT  
DRC2004-00060 / DRC2005-00061

The following resolution is now offered and read:

WHEREAS, on November 30 ,2005, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of SBC for Development Plan / Variance / Conditional Use Permit DRC2004-00060 / DRC2005-00061; and

WHEREAS, Charles R. Gillem has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 24, 2006, and a determination and decision was made on January 24, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A and B and are attached hereto and incorporated by reference herein as though set forth in full.

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3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the mitigated negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Charles R. Gillem is hereby denied and the decision of the Planning Commission is affirmed that the application of SBC for Development Plan/ Variance / Coastal Development Permit DRC2004-00060 / DRC2005-00041 is hereby approved subject to the conditions of approval set forth in Exhibit C attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: January 11, 2006

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STATE OF CALIFORNIA,       )  
  )  
County of San Luis Obispo    )       ss

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the  
Board of Supervisors

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk

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✓

## **FINDINGS - EXHIBIT A**

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 20, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, hazards/hazardous materials, and noise and are included as conditions of approval.

### *Development Plan*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the telephone switching facility with the proposed new emergency generator will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the telephone switching facility with the proposed new emergency generator will be designed to be similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the telephone switching facility with the proposed new emergency generator is located on 13<sup>th</sup> Street a local road constructed to a level able to handle any additional traffic associated with the project.

### *Coastal Access*

- G. The project site is not located between the first public road and the ocean. The project site is within an urban reserve line (Cayucos) and an existing coastal access point exists 5000 feet from the project site, therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

### *Small Scale Neighborhood*

- H. The proposed project meets the community small scale neighborhood design standards and is therefore consistent with the character and intent of the Cayucos community small scale design neighborhood.



- I. The proposed project will not block public view of the ocean from Highway One and the views from the respective neighborhood are not being further limited.

CH  
a

## **FINDINGS - EXHIBIT B**

### *Variance*

- A. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated because the proposed Variance is to allow for an emergency generator 2.5 feet in the front setback. This emergency generator is necessary to provide telephone service in the event of an emergency. There is sufficient space in the rear or side of the property, however these locations will have a greater impact on the adjacent neighbors.
- B. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category. This property is unique in that it is a telephone switching facility located in the middle of residential neighborhood. Without the variance the emergency generator could be located on the side or rear of the property however these locations would greatly impact the neighboring properties.
- C. The variance does not authorize a use that is not otherwise authorized in the land use category because Public Utility Facility are allowed uses in the Residential Single Family land use category.
- D. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements, because the Environmental Determination has determined that the proposed project will not have a significant impact on the environment.
- E. The variance is consistent with the San Luis Obispo County General Plan because the proposed location within the front setback best mitigates the placement of a public utility facility in a residential neighborhood.

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## **EXHIBIT C CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes:
  - a. A new replacement emergency generator to be located in the front setback. The generator is needed to support an existing telephone switching facility. The project will result in the disturbance of approximately 200 square feet of a 6,000 square foot parcel.
  - b. A maximum height of 18 feet (as measured from average natural grade).

### **Conditions required to be completed at the time of application for construction permits**

#### ***Site Development***

2. The applicant shall submit plans that show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall submit a drainage plan for the entire site that shall show removal of impervious surfaces to the maximum extent feasible for review and approval by the County Public Works Department

#### ***Environmental Mitigations***

5. The project will be consistent with the landscape plan and elevations dated July 27, 2005.
6. The applicant shall obtain an Authority to Construct permit from the APCD and be consistent with all conditions required by the permit.
7. The applicant shall update and maintain a hazardous material plans thru the Department of Environmental Health.

#### ***Environmental Quality Assurance***

8. An environmental quality assurance program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Development Plan.

#### ***Fire Safety***

9. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

#### ***Services***

10. The applicant shall provide a letter from Cayucos Sanitary District stating they are willing and able to service the property.
11. The applicant shall provide a letter from Paso Robles Beach Water Association stating they are willing and able to service the property.

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**Conditions to be completed prior to issuance of a construction permit**

***Fees***

12. The applicant shall pay all applicable school and public facilities fees.

**Conditions to be completed prior to occupancy or final building inspection / establishment of the use**

***Landscaping***

13. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before ***final building inspection / establishment of the use***. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

***Fire Safety***

14. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

***Development Review Inspection***

15. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

***Environmental Mitigations***

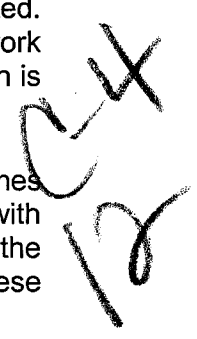
16. Prior to testing and/or operation of the generator, the applicant shall provide evidence (as prepared by a qualified acoustical engineer) that the proposed emergency generator meets the standards of the Ordinance and element and does not increase the ambient noise level (daytime and nighttime) more than 1 dBA. If it cannot be demonstrated that the project meets the above condition the applicant shall provide a list of additional mitigation measures for review and approval by the Department of Planning and Building

**On-going conditions of approval (valid for the life of the project)**

***Environmental Mitigations***

17. The emergency generator will be enclosed by a sound attenuation module that will reduce the noise level (daytime and nighttime) of the generator to no more than 1 dBA above the ambient noise level.
18. The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time coordinated with the adjacent neighbors.

***General Conditions***

19. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
20. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these
- 



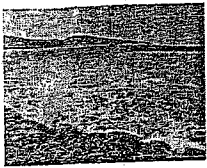
conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

21. The applicant shall post emergency and non-emergency phone numbers on the SBC building.

***Indemnification***

22. The applicant shall as a condition of approval of this development plan / variance defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this development plan / variance or the manner in which the County is interpreting or enforcing the conditions of this development plan / variance, or any other action by a third party relating to approval or implementation of this development plan / variance. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

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# Coastal Zone Appeal Application

## San Luis Obispo County Department of Planning and Building

### NOTE:

To appeal a Board of Supervisors decision you will need to obtain appeal forms from the California Coastal Commission - 725 Front Street, Suite 300 - Santa Cruz, CA (408) 427-4863.

#618

### PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☒ Minor Use Permit ☒ Development Plan ☒ Variance ☐ Land Division  
☐ Lot Line Adjustment ☐ Other \_\_\_\_\_

File Number: DRC-2004-00060  
DRC 2005-00041

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ Administrative Hearing Officer ☐ Subdivision Review Board  
☒ Planning Commission ☐ Other \_\_\_\_\_ Date the application was acted on 11-30-05

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

### BASIS FOR APPEAL

Please note: An appeal must be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

- ☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: See attached memorandums

- ☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES: The development does not conform to the public access policies of the California Coastal Act - Section 30210 et seq. Of the Public Resource Code (attach additional sheets if necessary)

Explain: \_\_\_\_\_

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

| Condition Number | Reason for appeal (attach additional sheets if necessary)    |
|------------------|--|
|                  | <u>Request for Variance is obvious indication that it is</u> |
|                  | <u>totally inappropriate location (see attached)</u>         |

### APPELLANT INFORMATION

Print name: Charles R. Gillem

Address: PO Box 579 Cayucos, Ca. 93430

Phone Number (daytime): 995-3143

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing this project based on either one or both of the following grounds, as specified in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature

*[Handwritten Signature]*

RECEIVED

DEC 14 2005

12-12-05  
Date

OFFICE USE ONLY

Date Received:

Amount Paid:

Planning & Bldg

By:

Receipt No. (if applicable):

*[Handwritten: MLV]*

*[Handwritten: pending?]*

Revised 5/05/04

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-800-834-4636

EMAIL: [ipcplng@slonet.org](mailto:ipcplng@slonet.org)

FAX: (805) 781-1242

WEBSITE: <http://www.slacoplanbldg.com>

## Appeal to San Luis Obispo County Board of Supervisors

This memorandum is to accompany a Coastal Zone appeal application along with various supporting documents and photographs. Pursuant to county file numbers DRC 2004-00060 and DRC 2005-00041.

Back in May of 2004, I embarked on a frustrating battle to prevent a 9' wide by 21' long by 11' high, 125 kilowatt diesel powered generator from being placed along side my home within 42 inches of my property line. This battle turned from prevention to removal as SBC, in all their arrogance and total disregard for the community, proceeded right along despite complaints from residents and a stop work order from the county. Only upon the intervention of S.L.O. Co. Chief Code Enforcer, Art Trinidad, did I experience any support. Mr. Trinidad assured me not to worry. He stated, "This (the SBC Generator) is totally out of compliance, the generator is supposed to be inside the building". Mr. Trinidad conducted an immediate stop of on the project and the generator was removed the next day.

Now, here I am, along with my neighbors, still fighting this project over a year and a half later. My issues and basis for appeal to the planning commission decision to allow SBC to go ahead with this project are numerous and disconcerting.

Area residents and my self have endured four Cayucos Advisory Committee meetings, one Planning Commission meeting, signed petitions, wrote letters and made telephone calls all outlining legitimate issues of protest. The complaints and protests are not being heard and I have to ask myself, why do we have these protocols.

I fear that the concerns and protests of area residents have not received due respect and our health, safety and financial welfare is to be sacrificed in the name of potential growth and SBC profits.

SBC has demonstrated an unwillingness to compromise or make a genuine effort in addressing alternative locations or downsizing options. SBC's reasoning has been accepted by the planning Commission as gospel in the name of preferential treatment to utility companies. The S.L.O. Co. Planning Commission has allowed SBC unhindered expansion albeit past practice has been a total disregard for the welfare of the taxpaying residents of this community.

The proposed upgrade of the facilities existing "emergency" power system is extreme considering the previous system, the local environment and space limitations.

1. The "emergency" power system in place for the past several years was composed of a significantly smaller generator located entirely inside of the existing SBC building.
2. The application for a variance in the front setback is, in itself, an indication of the inappropriate size and location of this project. Specifically, this project would be in close proximity to family residents on all sides. This is not a rural neighbor hood, lots are generally narrow with homes in close proximity to property lines.


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3. The proposed generator and enclosure would be approximately fifteen feet from my living room.
4. SBC's methodology of collecting environmental data specifically, ambient noise levels, are deceitful and self serving.

Included with this appeal is as follows:

- A. Letter of protest to the S.L.O. Co. Planning Commission.
- B. Petition of protest by area residents.
- C. Photographs as referenced by letter of protest.

Thank You,



C.R. Gillen

Property owner and resident  
75 13<sup>th</sup> St. Cayucos, CA

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**To: Eleanor Porter, San Luis Obispo Planning Commission**

This letter is my formal notification of opposition to the proposed SBC generator project at 65 13<sup>th</sup> Street, Cayucos, CA. County File Number: DRC2004-00060 and DRC 2005-00041.

I received notice of Public hearing for the aforementioned project on 10-24-05. On 10-25-05 I contacted project manager Kerry Brown with a request for a change of hearing date and time to accommodate attendance for the working citizens residing in the area of the proposed project. The hearing date is scheduled for November 30, 2005 (Wednesday) at 8:45 am. A weekday morning during the holidays is suspiciously non-accommodating to the residents who may wish to attend in opposition. Furthermore, I advised Ms Brown, that I have a pre scheduled engagement out of state at that time and would not be able to attend. I am the homeowner and resident of 21 years, at 75 13<sup>th</sup> Street, directly adjacent to the proposed project. This request was denied due to an apparent lack of schedule openings and the fact that "SBC wants to get the project done."

The following is the basis of my protest of the proposed project:

#### **HEALTH, SAFETY AND FINANCIAL WELFARE**

13<sup>th</sup> Street and surrounding neighborhoods are extremely quiet and tranquil family neighborhoods not an industrial or commercial zone. The current SBC structure at the 65 13<sup>th</sup> St. site, once a non-assuming building, has been deceptively expanding over recent years. This monstrosity, a 20' long x 9' wide x 11' high, 125-kilowatt diesel powered generator, will without question adversely impact the Health, Safety, and financial welfare of area residents within a significant circumference of the proposed project.

#### **NOISE POLLUTION**

SBC has stated, that San Luis Obispo County Codes would allow them to install a generator which functions at a noise/loudness level of one decibel (db) over ambient levels. Ambient defined is, surrounding atmosphere. SBC took it upon themselves to measure "ambient" noise levels at 65 13<sup>th</sup>, on a Tuesday, garbage pickup day. On Tuesday's two very large diesel trucks, one for garbage pickup and one for recycle pickup; will be stopped at each corner of the proposed site property for up to five minutes each, going through their various mechanical processes. While in the vicinity of my home the loudness of these truck literally shakes my house. In the absence of these trucks, the loudest thing on 13<sup>th</sup> St. is SBC trucks. It is not curious that SBC would choose this day (Tuesday) to measure the ambient noise level of 13<sup>th</sup> St. It is downright deceitful.

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### **NOXIOUS FUMES**

SBC states, that fumes/emissions from their proposed diesel power plant would meet "strict" EPA guidelines. SBC attempts to give the impression that the diesel fumes from a diesel engine the size of a freight train will be insignificant. Diesel trucks driving down the highway also meet "strict" EPA guidelines. However, if one of these trucks was running in your driveway for three hours, it would be an obnoxious health risk.

### **EYE SORE**

This generator comes enclosed in a 21' x 9' x 11' metal box resembling a seatrain used to transport goods across the ocean. This box is an obvious eyesore, which cannot be disguised by trellises and vines as proposed.

### **TOXINS**

Consider a 1500-gallon underground diesel fuel tank located less than 4' from my property line. Consider the two black 55-gallon drums labeled, **Hazardous waste!** These drums were left at the site for several months and SBC flat out denies they ever existed. Photographs of these drums are part of my collection.

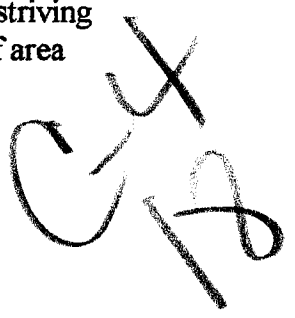
### **SBC DECEPTIONS AND INACCURACIES**

SBC apparently cannot keep track of their alibis. When construction first started I was told that this generator was needed as emergency power in case of an earthquake. Two things to keep in mind: one, the SBC building is a single story concrete slab building; two there has been an existing generator inside of the building for several years. The existing generator was the size of a medium refrigerator.

Secondly, I was told the generator is needed in case terrorist attack in lieu of the 911 attacks in New York City. SBC quickly abandoned this course.

Thirdly, I was told that the generator is required by Federal Law/mandate. This was apparently difficult to support.

SBC pulled all of the stops at the 8-3-05 Cayucos Advisory Committee when they announced that the generator is to be installed for future growth and development and the generator is above and beyond what is needed. Furthermore, the extra power would be needed to ensure a supply to other telecommunication companies wishing to lease space from SBC. SBC, no doubt, train employees in the skill of deception. In the instant offense the deception would have been need for a 125-kilowatt diesel powered generator smack dab in the middle of a quiet coastal, strictly residential neighborhood. The crew SBC sent obviously missed too many training days. The reason SBC is striving to decimate our neighborhood is purely and simply for profit and the detriment of area residents.



## SITE COMPARISONS

Kerry Brown gave me locations of three other SBC generator sites. Per. SBC these sites were comparable and commensurate to the proposed 13<sup>th</sup> St. project. I personally inspected and photographed these locations. Description, comparisons, and approximate dimensions are as follows:

Note: the proposed generator for the 13<sup>th</sup> St. location is approximately 20' long x 9' wide x 11' high with a volume of approximately 1980 cubic feet.

1. 133 San Rafael, Avila Beach.

The generator at this site is significantly smaller than that proposed for 13<sup>th</sup> St. it is 15' x 8' x 10' = 1200 Cubic feet. The generator is tucked away on a sloping lot below the grade of the roadway. The generator is completely surrounded by the SBC structure and thick bushes/trees. This site is very non-assuming and is 15 to 20 yards from the nearest dwelling.

2. 960 Doliver St. Pismo

The generator at this site is similar in size to the Avila Beach generator. The generator fronts on the heavy traffic street of Doliver in a business district. The generator is located on the side of the SBC building opposite the nearest resident at over 30 yards away.

3. 226 W. Dana St. Nipomo

This generator is also significantly smaller, 15' x 8' x 10', and is essentially located in a melon field with no other structures within the vicinity on three sides. The generator is located on the side of the SBC building opposite the nearest residence over 30 yards away.

The generator proposed for the 13<sup>th</sup> St. site is approximately 65% larger than all three generators at these "comparable" SBC sites. Furthermore, the proposed 13<sup>th</sup> St. generator site is 16 feet from my living room!

## ALTERNATIVES

Alternatives suggested to SBC were snubbed and not considered. Recommendations of a smaller inside generator as was the previous situation and/or relocation to an alternate rural or commercial zone were explained away with SBC double talk.

I will not argue SBC's need to remain abreast of technology nor the need for reliable utilities. However, Yahoo! DSL, Dish Networks, and Video telephones are not conveniences, which stir me to extreme sacrifice. 13<sup>th</sup> St. is not the place for SBC to plan it's future. I do not sympathize with SBC's lack of insight regarding the growth plans of this conglomerate.

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The SBC structure on 13<sup>th</sup> St. has definitely out lived its utility given the surrounding environment.

### APATHY

There is a growing and distributing trend of apathy towards fighting for your property rights in this County. SBC is attempting to feed off of this apathy. This feeling of indifference is due to the fact that area residents have voiced their objections to this project at four different Cayucos Advisory Committee meetings. Why did we need more than one? The residents develop a feeling of dread when they are fighting SBC and S.L.O. County government. There is a growing feeling that corporate America is steamrolling over individual rights. Is it true that we have no say! The people are not being heard! Is our only recourse to cut our losses and accept SBC's version of an 'aesthetically pleasing' factory in our backyard? If this County is going to practice socialism, why don't you just confiscate our property and be done with it!

SBC's corporation approach towards dealing with the citizenry consistently reinforces the negativity portrayed towards them, which they so magnificently deserve.

### SUMMARY

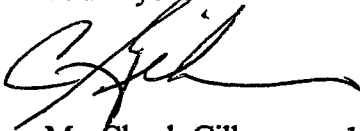
I have fought dearly to keep this home over the past 21 years. I do not live high on the hog. My home and its value is the cornerstone of my financial welfare and retirement security.

I will not let this issue rest! Make no mistake; it infuriates me that our elected officials and paid public employees have not done their jobs to protect the welfare, property rights and the will of the people of this community. I have done your research now do your jobs!

I steadfastly oppose this project! I will additionally supply a petition documenting area residents, who could not attend the 11-30-05 meeting, who are opposed to this project.

The San Luis Obispo County Planning Commission, the area residents, and foremost SBC all know this project is wrong. Do the right thing!

Thank you,



Mr. Chuck Gillem      11/17/05  
75 13<sup>th</sup> St. Cayucos  
P.O. Box 579 Cayucos, Ca. 93430

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# CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA

This petition is the voice of the citizens of the Cayucos, California who are in opposition to the SBC generator project at 65 13<sup>th</sup> St. in the community of Cayucos. Specifically, by signing the following petition, I object and oppose the installation of a 125 Kilowatt diesel generator (measuring approximately 21 foot long x 9 foot wide x 11 foot high). Signing of this petition is a declaration of my opposition in lieu of my presence at the 11-30-05, San Luis Obispo Planning Commission, public hearing, County File Nos: DRC 2004-00060 and DRC 2005-00041. SBC has demonstrated total disregard for our community by intending to inflict an adverse effect upon the health, safety, and financial welfare of the inhabitants of this Community. This neighborhood is not an industrial zone. The SBC facility at 65 13<sup>th</sup> St. has outlived it's utility given the surrounding environment.

| Print Name            | Signature                | Date     | Resident Address                 | Phone # (optional) |
|-----------------------|--------------------------|----------|----------------------------------|--------------------|
| 1. JAN LEWIS          | <i>Jan Lewis</i>         | 11/19/05 | 84 13 <sup>th</sup> St Cayucos   | 995-1255           |
| 2. HANK LEWIS         | <i>Hank</i>              | 11/19/05 | 84 13 <sup>th</sup> St. "        | 995-1255           |
| 3. Katie Lewis        | <i>Katie</i>             | 11/19/05 | 84 13 <sup>th</sup> St Cayucos   | 995-1255           |
| 4. Trip Moss          | <i>Trip Moss</i>         | 11/24/05 | 99 13 <sup>th</sup> Cayucos      | 995-0655           |
| 5. BOLE JARSON        | <i>Bole</i>              | 11/24/05 | 91 - 13 <sup>th</sup> CAYUCOS    | 995-1380           |
| 6. T. Kalani Jackson  | <i>Kalani</i>            | 11/24/05 | 91 - 13 <sup>th</sup> CAYUCOS    | 995-1380           |
| 7. Esperanza          | <i>Esperanza</i>         | 11/24/05 | 76 - 13 <sup>th</sup> Cayucos    | 995-1633           |
| 8. Piercefield        | <i>Piercefield</i>       | 11/25/05 | 63-13 <sup>th</sup> Cayucos      | 995-3417           |
| 9. Donna Piercefield  | <i>Donna</i>             | 11/24/05 | 63 13 <sup>th</sup> St. Cayucos  | 995-3417           |
| 10. Chuck Gillem      | <i>Chuck</i>             | 11/24/05 | 75 - 13 <sup>th</sup> St Cayucos | 995-3143           |
| 11. David Livingstone | <i>David Livingstone</i> | 11/24/05 | 151297 Cass Ave, Cayucos         | 995-1584           |
| 12. Debra Nye         | <i>Debra Nye</i>         | 11/24/05 | 58 12 ST CAYUCOS                 | 995-3405           |
| 13. Dan Freeh         | <i>Dan Freeh</i>         | 11/27/05 | 80 13th ST Cayucos               | 995-0933           |
| 14. Taren Freeh       | <i>Taren Freeh</i>       | 11/27/05 | 80 13 <sup>th</sup> St Cayucos   | 995-0933           |
| 15.                   |                          |          |                                  |                    |
| 16.                   |                          |          |                                  |                    |
| 17.                   |                          |          |                                  |                    |
| 18.                   |                          |          |                                  |                    |

*Copy*

# CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA

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## ABSENTEE PETITION

Please return this absentee petition by sliding it through the window into the cab of my blue Ford pick-up located at 75 13th Street, or mail it to Chuck Gillem at PO Box 579, Cayucos, CA 93430.

| Print Name           | Signature                | Date     | Resident Address                | Phone # (optional) |
|----------------------|--------------------------|----------|---------------------------------|--------------------|
| 1. FRANK SORRENTI    | <i>Frank Sorrenti</i>    | 11/25/05 | 55 12 <sup>th</sup> St. Cayucos |                    |
| 2. GEORGINA SORRENTI | <i>Georgina Sorrenti</i> | 11/25/05 | 55 12 <sup>th</sup> St. Cayucos | 559-291-5947       |

# CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA

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| Print Name        | Signature             | Date     | Resident Address     | Phone # (optional) |
|-------------------|-----------------------|----------|----------------------|--------------------|
| 1. ROBERT L. HOEL | <i>Robert L. Hoel</i> | 11-28-05 | 54- 13th St. Cayucos | 995-3585           |
| 2. HELEN HOEL     | <i>Helen Hoel</i>     | 11-28-05 | 54- 13th St. Cayucos | 995-3585           |

# CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA

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| Print Name       | Signature     | Date     | Resident Address                     | Phone # (optional) |
|------------------|---------------|----------|--------------------------------------|--------------------|
| 1. Sheila Lebbad | Sheila Lebbad | 11-26-05 | non house 70-13th St.<br>40-11th St. | 995-3751           |


# CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA

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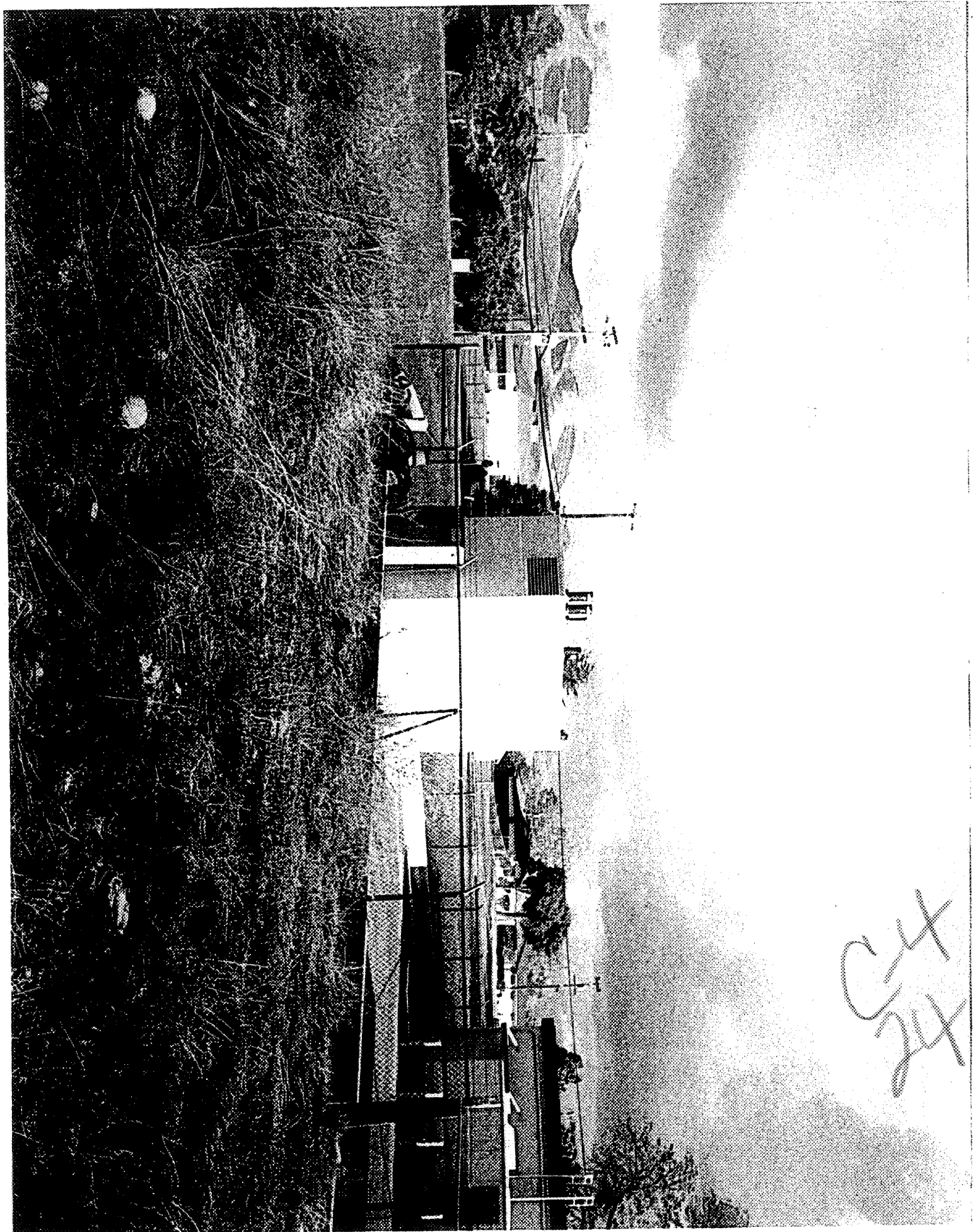
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| Print Name              | Signature   | Date | Resident Address | Phone # (optional) |
|-------------------------|-------------|------|------------------|--------------------|
| 1. MARIANNE             | E. FRANKLIN |      |                  | NOV. 24, 2005      |
| 2. Marianne E. Franklin |             |      |                  |                    |
| 3. 90 12TH              | ST. CAYUCOS |      | CA 93430         |                    |

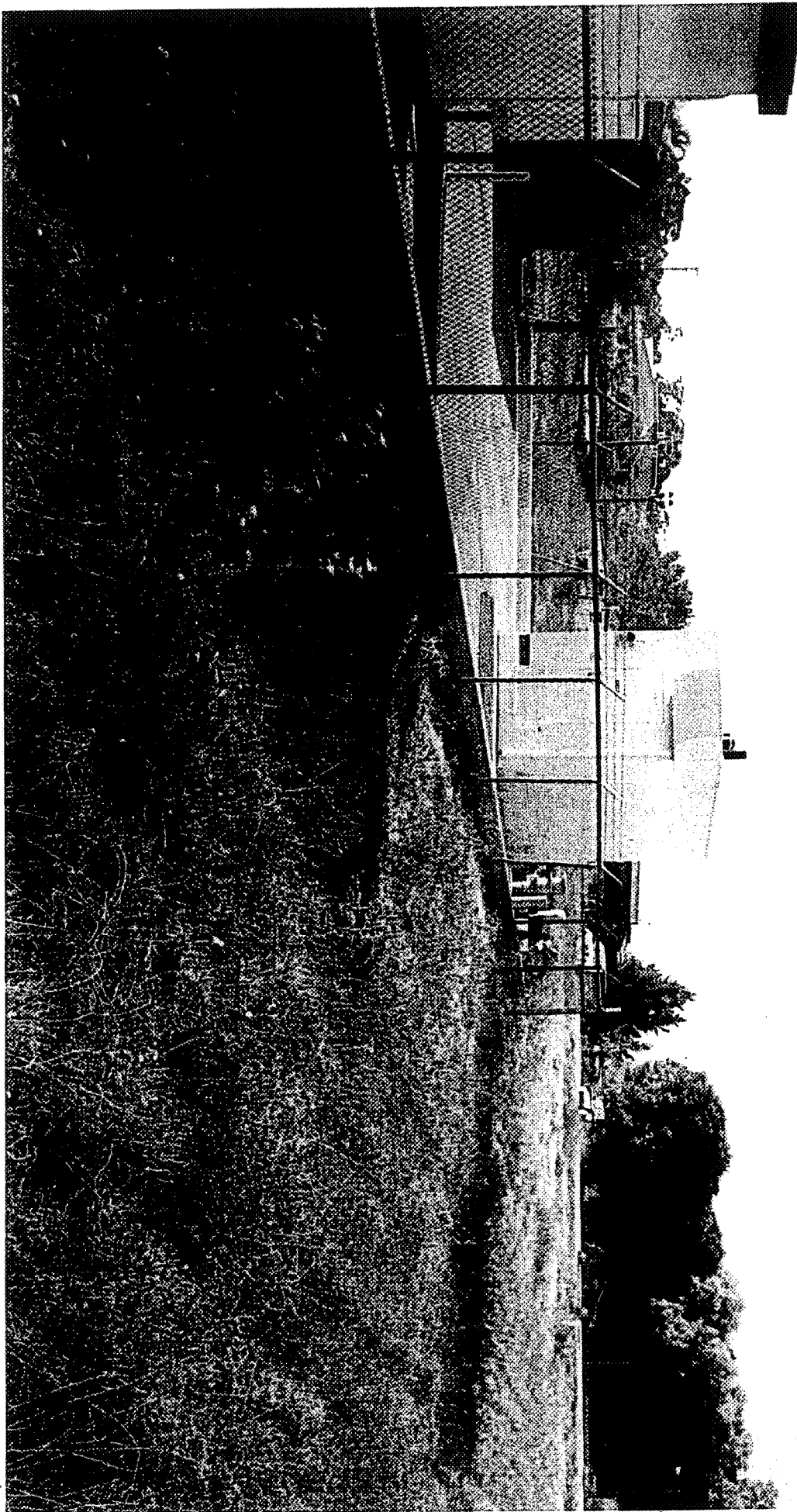


**Marianne Franklin**  
90 12th St.  
Cayucos, CA 93430-1369



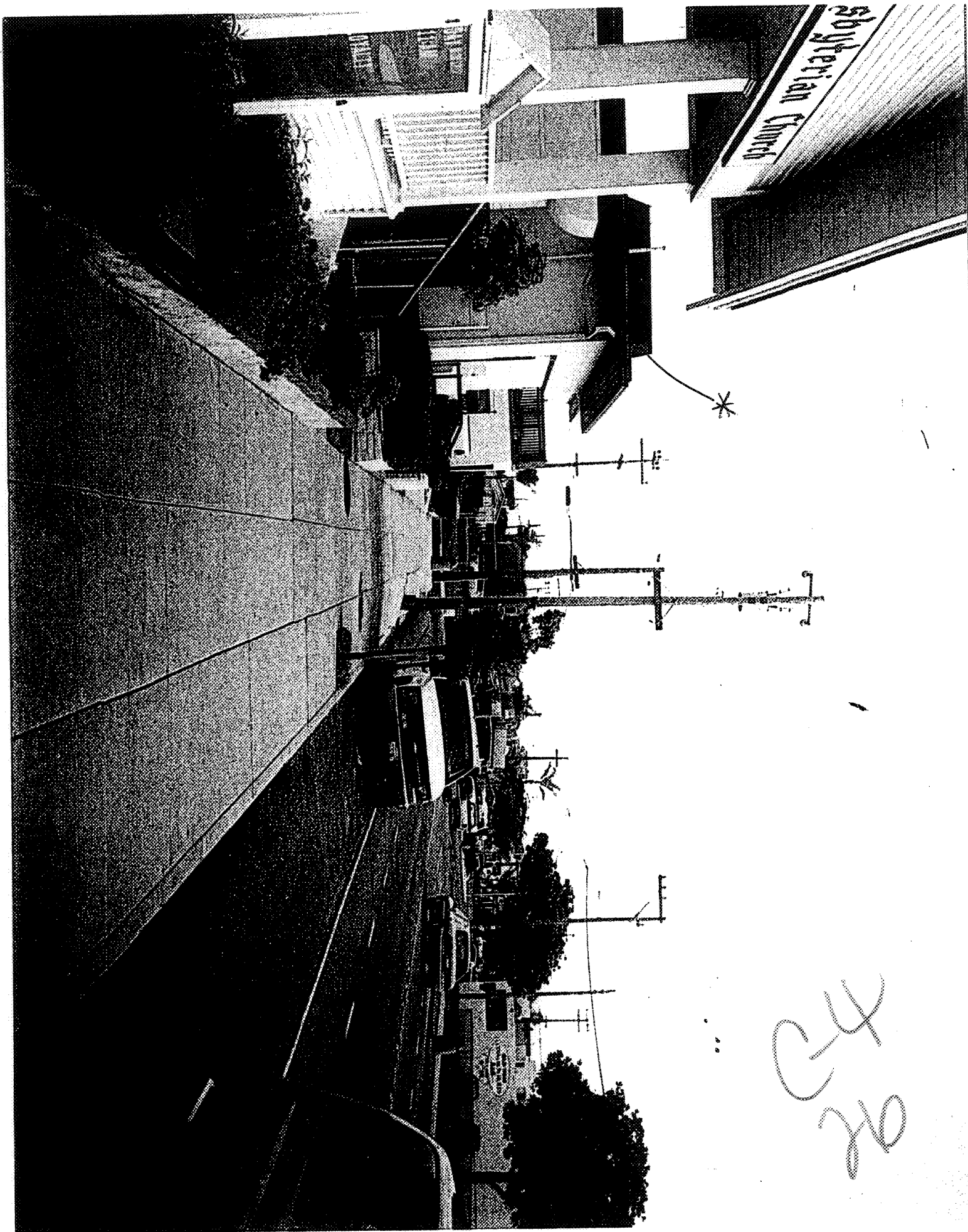
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Nipomo Site



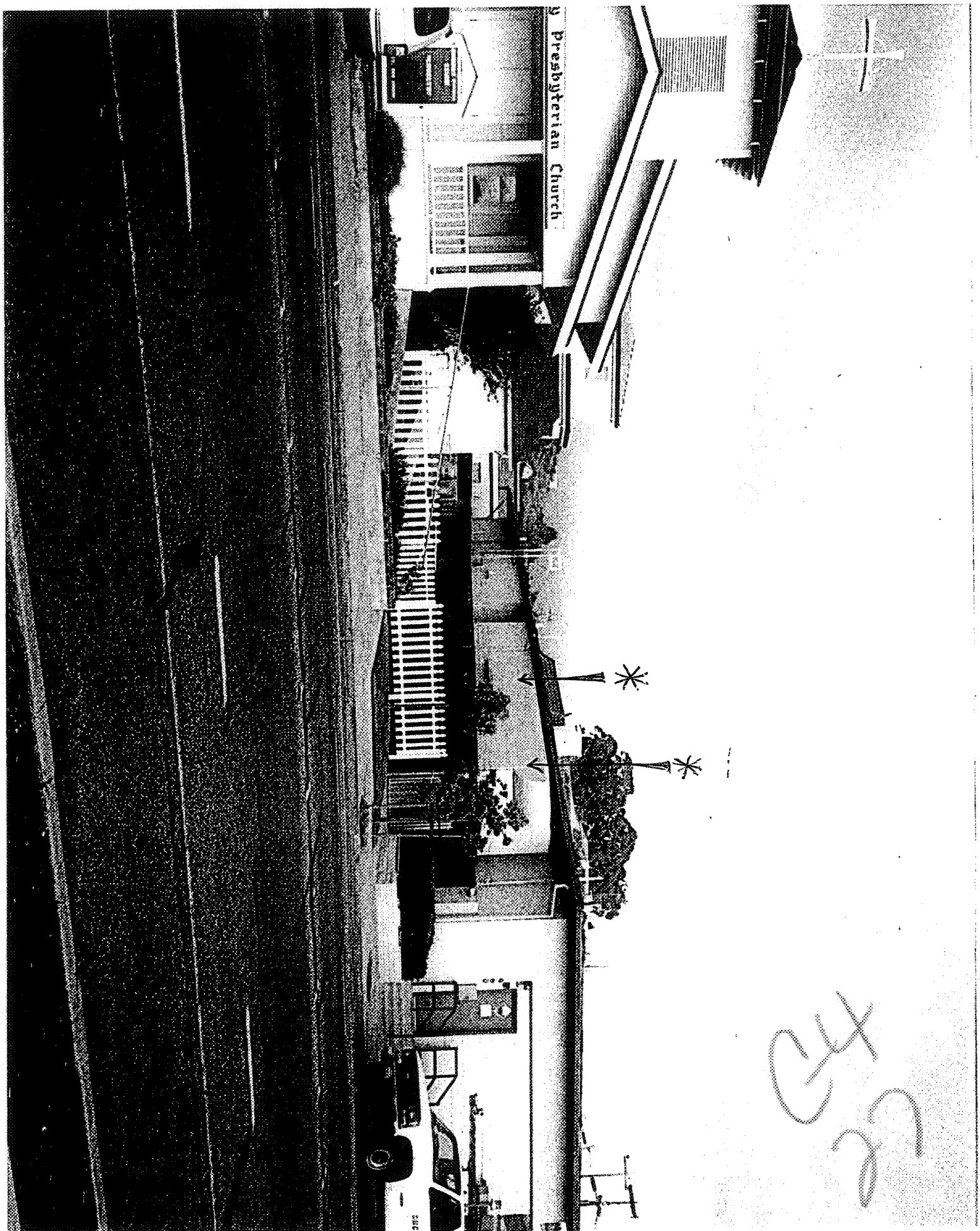
Nipomo Site

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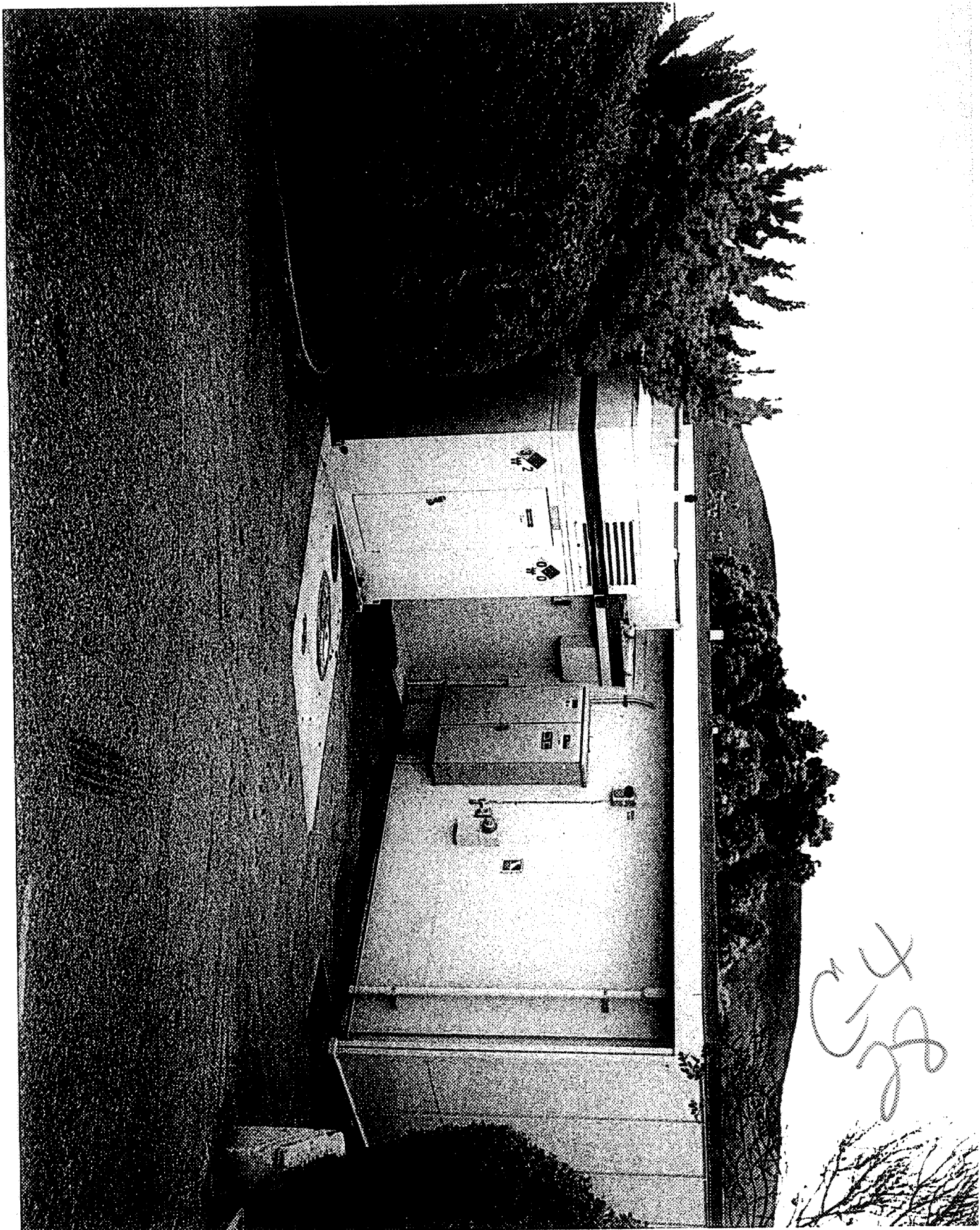
Pismo Site





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23

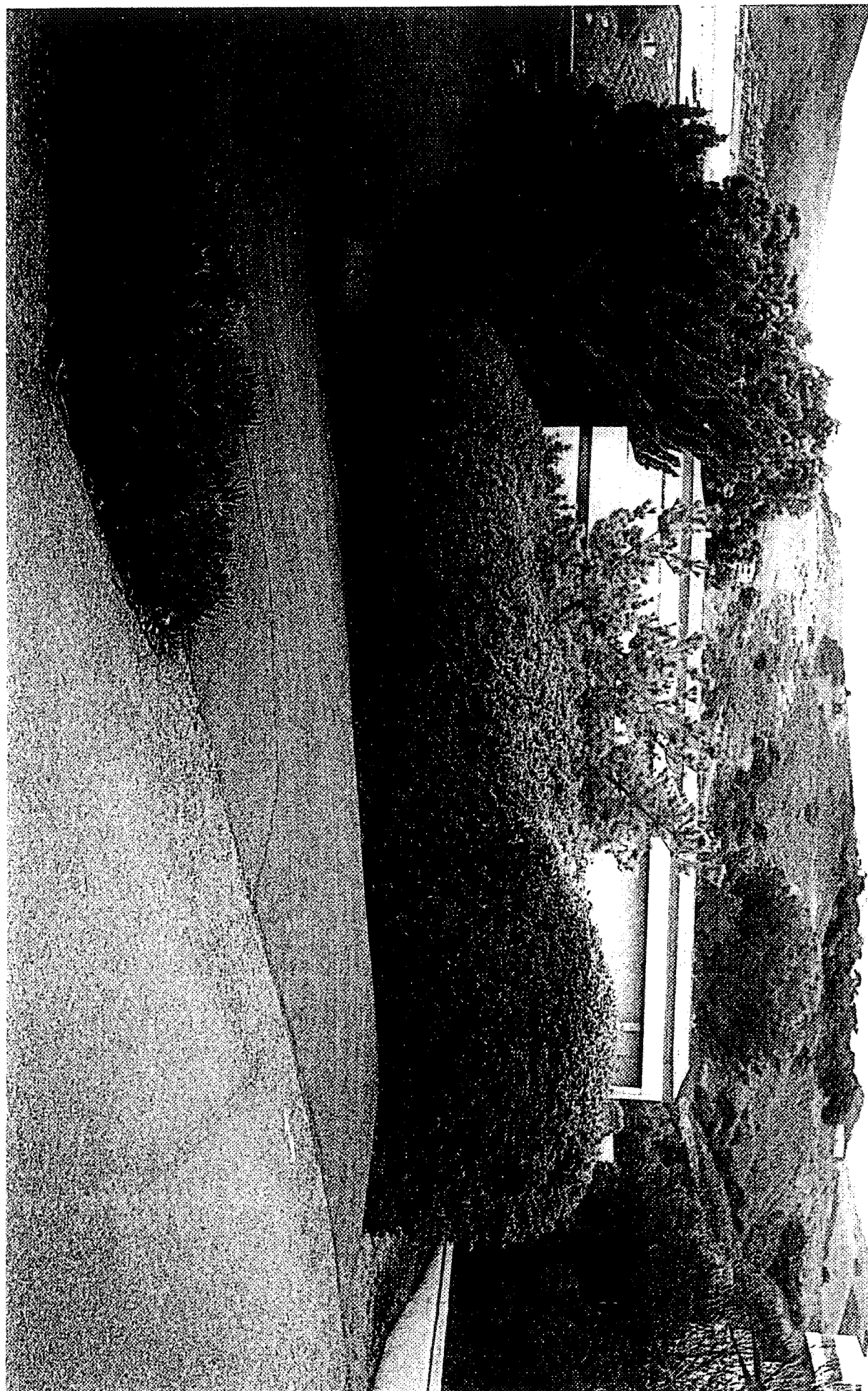
Pismo Site



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Avila Beach Site





Box 29

Avila Beach Site



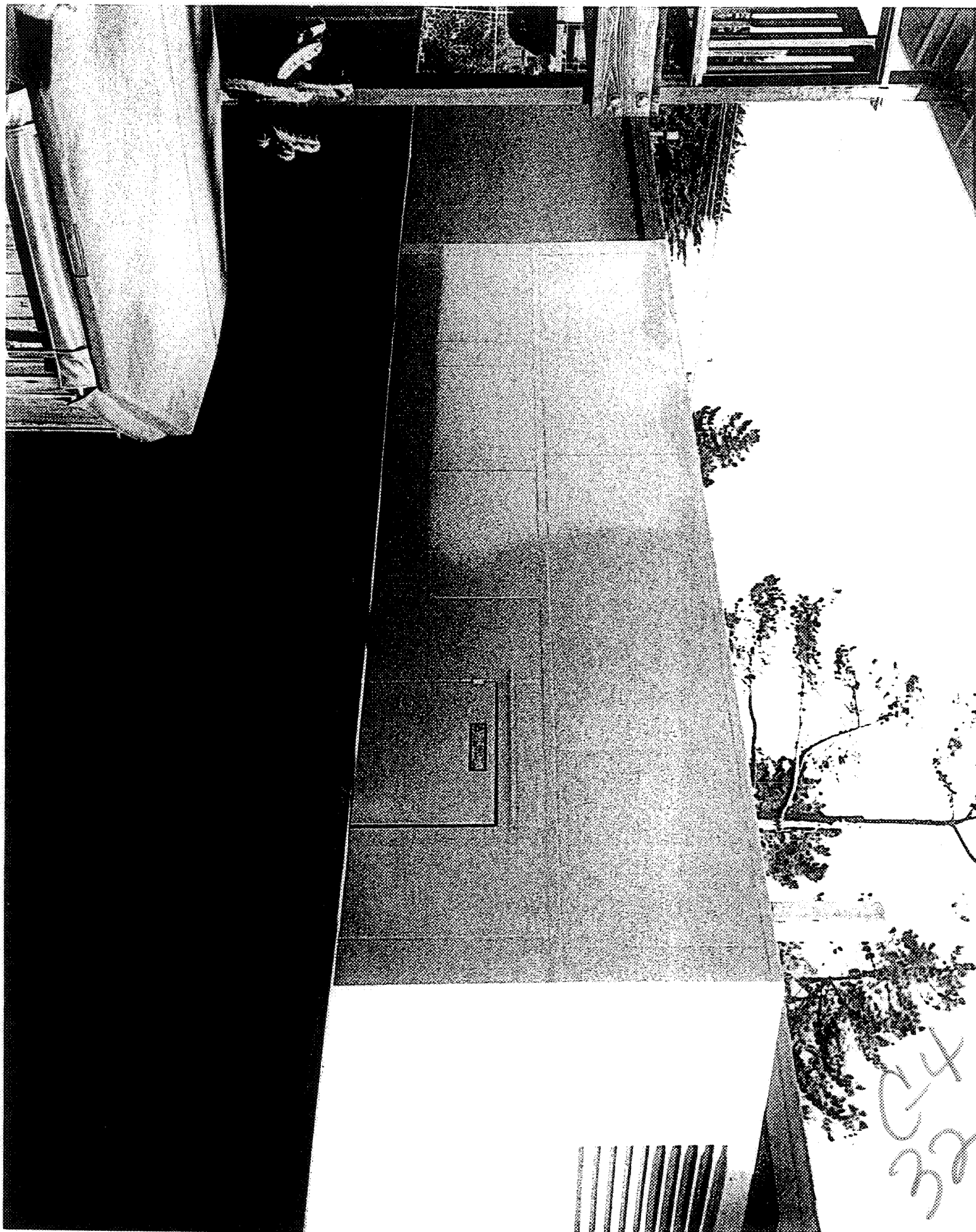
*Cayucos Site (Notice beautiful landscaping)*



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*Cayucos Site (wonderful upkeep)*



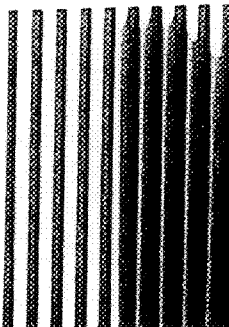


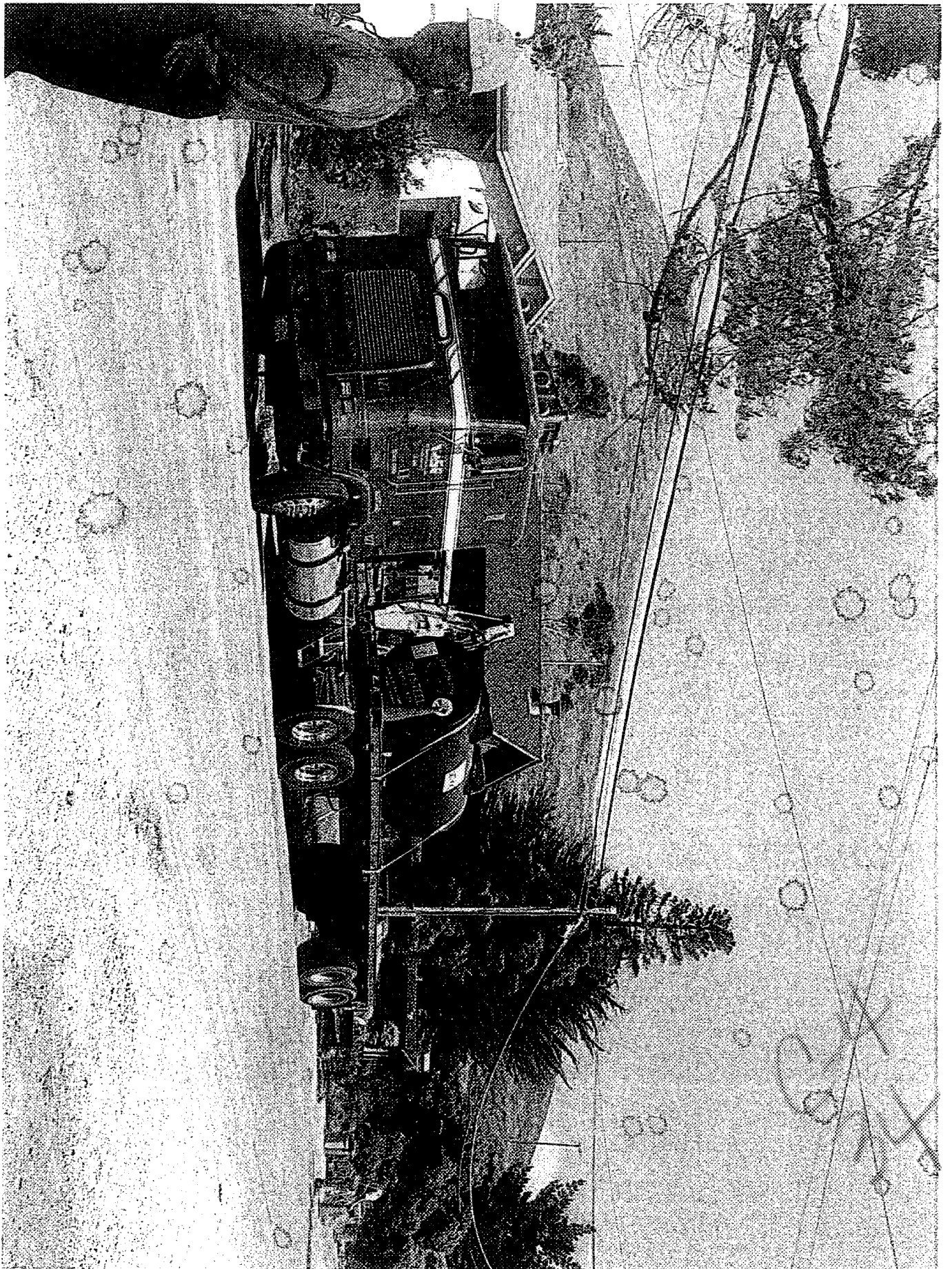
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Past practice, Cayucos Site May 2004



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The Diesel tank. Planning Commission has no idea what this looks like





Diagonal tank in corner inches from Mr. Phosphate



*Diesel tank project Completed w/ NO permit!*





Promoting the wise use of land  
Helping build great communities

**2-1**  
**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**PLANNING COMMISSION**

|  |   |  |   |
|--|---|--|---|
| <b>MEETING DATE</b><br>November 30, 2005   | <b>CONTACT/PHONE</b><br>Kerry Brown, Project Manager<br>(805) 781-5713          | <b>APPLICANT</b><br>SBC                      | <b>FILE NO.</b><br>DRC2004-00060<br>and DRC2005-00041 |
| <b>SUBJECT</b><br>A request by SBC for a Development Plan/Variance/Coastal Development Permit to allow a new emergency generator to be located in the front setback. The generator is needed to support an existing telephone switching facility. The project will result in the disturbance of approximately 200 square feet of a 6,000 square feet parcel. The proposed project is within the Residential Single Family land use category and is located at 65 13 <sup>th</sup> Street in the community of Cayucos. The site is in the Estero planning area.   |   |  |   |
| <b>RECOMMENDED ACTION</b><br>1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.<br>2. Approve Development Plan DRC2004-00060 and Variance DRC2005-00041 based on the findings listed in Exhibit A and B and the conditions listed in Exhibit C.   |   |  |   |
| <b>ENVIRONMENTAL DETERMINATION</b><br>The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 20, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Hazards/Hazardous Materials, and Noise and are included as conditions of approval. |   |  |   |
| <b>LAND USE CATEGORY</b><br>Residential Single Family  | <b>COMBINING DESIGNATION</b><br>Local Coastal Plan and Small Scale Neighborhood | <b>ASSESSOR PARCEL NUMBER</b><br>064-163-016 | <b>SUPERVISOR DISTRICT(S)</b><br>2                    |
| <b>PLANNING AREA STANDARDS:</b><br>Setbacks and Small Scale Neighborhood Standards   |   |  |   |
| <b>LAND USE ORDINANCE STANDARDS:</b><br>Landscape Plans, Local Coastal Program, and Public Utility Facility  |   |  |   |
| <b>EXISTING USES:</b><br>Telephone switching facility  |   |  |   |
| <b>SURROUNDING LAND USE CATEGORIES AND USES:</b><br><div style="display: flex; justify-content: space-between;"><div><i>North:</i> Residential Single Family / residential<br/><i>South:</i> Residential Single Family / residential</div><div><i>East:</i> Residential Single Family / residential<br/><i>West:</i> Residential Single Family / residential</div></div>   |   |  |   |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:<br/>COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>   |   |  |   |

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|  |                                   |
|--|-----------------------------------|
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:<br>The project was referred to: Cayucos Citizens' Community Advisory Council, Public Works, Environmental Health, Cayucos Sanitary District, Paso Robles Beach Water Association, APCD, Cayucos Fire Department, and the California Coastal Commission. |                                   |
| TOPOGRAPHY:<br>Nearly level  | VEGETATION:<br>Grasses            |
| PROPOSED SERVICES:<br>Water supply: Paso Robles Beach Water Association<br>Sewage Disposal: Cayucos Sanitary District<br>Fire Protection: Cayucos Fire Department  | ACCEPTANCE DATE:<br>July 29, 2005 |

## PROJECT HISTORY

The SBC switching facility at 65 13<sup>th</sup> Street in Cayucos handles telephone and data traffic and ties into other nearby facilities in order to meet the communication needs of the Cayucos residents and the surrounding areas. The facility was constructed in the 1960's. The facility has two sources of power, the primary source are PG&E power lines and the secondary source is a standby engine, which would provide power in the event of a loss of power. SBC is proposing to upgrade the facility's existing emergency power system.

Initially SBC proposed three alternative locations on the site to house the emergency generator and its enclosure. The other alternatives included two in the rear of the site and one on the east side of the site. The neighboring property owners were concerned about noise and aesthetic issues. In order to better fit into the existing residential neighborhood the applicant proposed locating the emergency generator in the front setback to allow for an increased buffer to the surrounding residential properties.

## PROJECT ANALYSIS

### ORDINANCE COMPLIANCE

#### *Fencing, Landscaping and Lighting*

A final landscape plan and an exterior lighting plan are required prior to issuance of building permits. The Landscaping Plan shall include fencing and parking lot landscape requirements pursuant to Sections 23.04.180 through 23.04.190 of Title 23. The exterior lighting plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties, pursuant to Section 23.04.320 of Title 23.

#### *Special Use Standards*

##### **23.08.288 Public Utility Facilities**

The following requirements are set forth by Section 23.08.288 of Title 23:

- a. **Permit requirements.** In addition to the emergency repair and the general permit requirements of section 23.08.286a and b., Development Plan approval is required for any new facility or modification of any existing facility in the Agriculture, Rural Lands, Residential, Office and Professional, and Commercial land use categories. Development Plan approval is required for any new facility or modification to any existing facility which would increase the structure heights above those specified in section 23.04.124 or modify any operational standards causing an increase in any of the

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categories specified in chapter 23.06 of this title. *The applicant is processing a Development Plan and Variance for this application.*

**b. Application contents.** In addition to the application materials required by Chapter 23.02 (Permit applications), permit applications shall also include descriptions of:

- (1) The proposed design capacity of the facility; the operating schedule; and how the proposed facility interacts with incoming and outgoing utility services. *The facility is existing and the applicant provided an operating schedule for the emergency generator.*
- (2) Plans for any overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities. *The application is for a new emergency generator and does not include any of these items.*
- (3) Proposed erosion control measures, revegetation, screening and landscaping during construction and operation. *The applicant has provided this information; the landscape plan is included in this staff report.*
- (4) An oil and hazardous material spill contingency plan, including a demonstration that all materials can be contained on-site. *The applicant has provided a Hazardous Materials Plan.*
- (5) For electric and telephone centers, estimates of the non-ionizing radiation generated and/or received by the facility. These will include estimates of the maximum electric and magnetic field strengths at the edge of the facility site, the extent that measurable fields extend in all directions from the facility. *The Switching facility is an existing use.*
- (6) The number and identification by trades of estimated construction and operation forces. If construction is estimated to take over six months, the construction workforce shall be estimated for each six-month period. The estimates shall include numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools and traffic. *The Switching facility is an existing use.*

**c. Development standards.** The following standards apply in addition to any that may be established as conditions of approval:

- (1) **Environmental quality assurance.** An environmental quality assurance program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Development Plan. Specific requirements of this

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environmental quality assurance program will be determined during the environmental review process and Development Plan review and approval process. *The project complies with this standard, see condition # 7.*

- (2) **Clearing and revegetation.** The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil will be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil and replanted during the next appropriate season. *The project complies with this standard.*
- (3) **Fencing and screening.** Public Utility Facilities shall be screened on all sides. An effective visual barrier will be established through the use of a solid wall, fencing and/or landscaping. The adequacy of the proposed screening will be determined during the land use permitting process. *The project complies with this standard, see landscape plan.*
- d. **Limitation on use, sensitive environmental areas.** Uses shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made by the applicable approval body that there is no other feasible location on or off-site the property. Applications for Public Utility Facilities in the above sensitive areas shall include a feasibility study, prepared by a qualified professional approved by the Environmental Coordinator. The feasibility study shall include a constraints analysis, and analyze alternative locations. *The subject site is not located on prime soils, Sensitive Resources Areas, Environmentally Sensitive Habitats, or Hazard Areas,*

## PLANNING AREA STANDARDS COMPLIANCE

### Estero Area Plan: Communitywide Standards

#### Setbacks

In the Paso Robles Beach subdivision the following setbacks are required: Front – 15 feet, Sides – 3 feet, and Rear – 10 feet. *The project partially complies with this standard rear and side setbacks are met, and the application is for a variance for the front setback.*

### Estero Area Plan: Residential Single Family

#### Small Scale Neighborhood Standards

Permit Requirements and Findings: *A Plot Plan Permit is required due to the size of the structure, however Section 23.08.288 of Title 23 requires a Development Plan for this type of use. The required findings are in exhibit A, letters H and I.*

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Front Setback: The ground level floor shall have setbacks as provided in Cayucos Communitywide Standard 2 and at no point shall a lower story wall exceed 12 feet in height including its above ground foundation. The second floor of proposed two story construction shall have an additional front setback of at least 3 feet from the front of the lower wall except open rail, uncovered decks are excluded from this additional setback and may extend to the lower floor wall. *The existing switching facility is one-story and the proposed new generator is located partially within the 15 feet required setback, a variance is requested. The resulting front setback is 12.5 feet.*

Side Setback: Single Story Dwellings shall have setbacks as provided in Cayucos Communitywide Standard 2. Proposed two story construction (including decks), shall have a lower floor setback on each side of not less than 4 feet, nor less than the required corner side setback if applicable. An upper story wall setback on each side yard of a minimum of 2 ½ feet greater than the lower floor setback is required. At no point shall a lower story wall exceed 12 feet in height including its above ground foundation. Thirty percent of the upper story side wall may align with the lower floor wall provided it is within the rear two-thirds of the structure. *The existing switching facility is one-story and is has 3 foot side setbacks; therefore the project complies with this standard.*

Height

Heights shall be measured from the centerline of the fronting street at a point midway between the two side property lines projected to the street centerline, to the highest point of the roof. Upslope lots shall use average natural grade. Proposed structures exclusive of chimneys and mechanical vents are not to exceed 24 feet. Sloped roofs are encouraged in all structures; however roof heights up to 18 feet shall not be required to have sloped roofs. Roof heights between 18 and 22 feet shall have a roof pitch of at least 4:12. Roof heights between 22 and 24 feet shall have a roof pitch of at least 5:12. *Building height of the existing switching facility is 18 feet with a roof pitch of 5:12.*

Gross Structural Area: For lots exceeding 5000 square feet, 50% of the lot is usable for a maximum structural area of 3001 square feet (existing parcel of 6,002 square feet). *The project complies with this standard, the switching facility is 1,766 square feet and the new generator is approximately 200 square feet for a total of 1966 square feet gross structural area.*

Deck Rail Height: Rail heights for decks above the ground floor shall not exceed 36 inches. A maximum additional height of 36 inches of untinted, transparent material with minimal support members is allowed. *No decks are proposed.*

Parking: At least one off-street parking space shall be enclosed with an interior space a minimum size of 10 feet by 20 feet, and a maximum of one required off-street parking space may be located in the driveway within the required front yard setback area. *The project does not propose an enclosure for parking as the building is not a residence and will not need parking.*

Driveway Width: Driveway widths may not exceed 18 feet. *The project complies with this standard.*

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Streetscape Plan: A scale drawing showing front exterior elevation of the proposed project is required. *A streetscape plan is in the file.*

#### LAND USE ORDINANCE STANDARDS:

##### *Section 23.07.120 - Local Coastal Program*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

**COASTAL PLAN POLICIES:** The project is consistent with the Coastal Plan Policies. The most relevant policies are discussed below.

##### ***Coastal Watersheds:***

- Policy 7:** *Siting of new development: The proposed project is consistent with this policy because the existing switching facility will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.*
- Policy 8:** *Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all slope and erosion control measures will be in place before the start of the rainy season.*
- Policy 10:** *Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the new emergency generator will not increase erosion or runoff.*

##### ***Visual and Scenic Resources:***

- Policy 1:** *Site Selection for new development: The proposed project is consistent with this policy because the development is sited so as to protect views to and along the ocean.*
- Policy 5:** *Land-form Alteration: The proposed project is consistent with this policy because grading, earthmoving, major vegetation removal and other land-form alterations within public view corridors will be minimized.*

**MAJOR ISSUES** *(briefly describe resolved issues/describe any unresolved issues)*

#### **VARIANCE FINDINGS**

The applicant is requested to locate the emergency generator in the front setback. The following findings are required to be met.

The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated.

*The proposed Variance is to allow for an emergency generator 2.5 feet in the front setback. This emergency generator is necessary to provide telephone service in the event of an emergency. There is sufficient space in the rear or side of the property, however these locations will have a greater impact on the adjacent neighbors. Granting this variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity.*

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There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category.

*This property is unique in that it is a telephone switching facility located in the middle of residential neighborhood. Without the variance the emergency generator could be located on the side or rear of the property however these locations would greatly impact the neighboring properties.*

The variance does not authorize a use that is not otherwise authorized in the land use category.

*Public Utility Facility is allowed uses in the Residential Single Family land use category.*

The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements.

*The environmental review for the project has determined that the proposed project will not adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements.*

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 20, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Hazards/Hazardous Materials, and Noise and are included as conditions of approval. Please refer to the attached Mitigated Negative Declaration for more information.

COMMUNITY ADVISORY GROUP COMMENTS:

The Cayucos Citizens' Advisory Council reviewed the project on three occasions (October 2004, June 2004 and August 2005). Many concerns were brought forth at the first and second meeting, the applicant addressed these issues and received support from the advisory council in August 2005.

AGENCY REVIEW:

Public Works- Recommend approval – no concerns.

Environmental Health – Please provide updated hazardous materials business plan for new location to the Hazardous Materials Section within this office.

Cayucos Fire – Generator enclosure need built-in fire protection and monitoring.

California Coastal Commission – No response.

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LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Kerry Brown and reviewed by Matt Janssen.

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FINDINGS - EXHIBIT A*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 20, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Hazards/Hazardous Materials, and Noise and are included as conditions of approval.

*Development Plan*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the telephone switching facility with the proposed new emergency generator will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the telephone switching facility with the proposed new emergency generator will be designed to be similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the telephone switching facility with the proposed new emergency generator is located on 13<sup>th</sup> Street a local road constructed to a level able to handle any additional traffic associated with the project.

*Coastal Access*

- G. The project site is not located between the first public road and the ocean. The project site is within an urban reserve line (Cayucos) and an existing coastal access point exists 5000 feet from the project site, therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

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Planning Commission

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*Small Scale Neighborhood*

- H. The proposed project meets the community small scale neighborhood design standards and is therefore consistent with the character and intent of the Cayucos community small scale design neighborhood.
- I. The proposed project will not block public view of the ocean from Highway One and the views from the respective neighborhood are not being further limited.

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**FINDINGS - EXHIBIT B***Variance*

- A. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated because the proposed Variance is to allow for an emergency generator 2.5 feet in the front setback. This emergency generator is necessary to provide telephone service in the event of an emergency. There is sufficient space in the rear or side of the property, however these locations will have a greater impact on the adjacent neighbors.
- B. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category. This property is unique in that it is a telephone switching facility located in the middle of residential neighborhood. Without the variance the emergency generator could be located on the side or rear of the property however these locations would greatly impact the neighboring properties.
- C. The variance does not authorize a use that is not otherwise authorized in the land use category because Public Utility Facility are allowed uses in the Residential Single Family land use category.
- D. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements, because the Environmental Determination has determined that the proposed project will not have a significant impact on the environment.
- E. The variance is consistent with the San Luis Obispo County General Plan because the proposed location within the front setback best mitigates the placement of a public utility facility in a residential neighborhood.

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**EXHIBIT C CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes:
  - a. A new emergency generator to be located in the front setback. The generator is needed to support an existing telephone switching facility. The project will result in the disturbance of approximately 200 square feet of a 6,000 square feet parcel.
  - b. A maximum height of 18 feet as measured from average natural grade.

**Conditions required to be completed at the time of application for construction permits**

**Site Development**

2. The applicant shall submit plans that show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

**Environmental Mitigations**

4. The project will be consistent with the landscape plan and elevations dated July 27, 2005.
5. The applicant shall obtain an Authority to Construct permit from the APCD and be consistent with all conditions required by the permit.
6. The applicant shall update and maintain a hazardous material plans thru the Department of Environmental Health.

**Environmental Quality Assurance**

7. An environmental quality assurance program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Development Plan.

**Fire Safety**

8. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

**Services**

9. The applicant shall provide a letter from Cayucos Sanitary District stating they are willing and able to service the property.
10. The applicant shall provide a letter from Paso Robles Beach Water Association stating they are willing and able to service the property.

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**Conditions to be completed prior to issuance of a construction permit****Fees**

11. The applicant shall pay all applicable school and public facilities fees.

**Conditions to be completed prior to occupancy or final building inspection / establishment of the use****Landscaping**

12. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

**Fire Safety**

13. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

**Development Review Inspection**

14. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**Environmental Mitigations**

15. Prior to testing and/or operation of the generator, the applicant shall provide evidence (as prepared by a qualified acoustical engineer) that the proposed emergency generator meets the standards of the Ordinance and element and does not increase the ambient noise level more than 1 dBA. If it cannot be demonstrated that the project meets the above condition the applicant shall provide a list of additional mitigation measures for review and approval by the Department of Planning and Building

**On-going conditions of approval (valid for the life of the project)****Environmental Mitigations**

16. The emergency generator will be enclosed by a sound attenuation module that will reduce the noise level of the generator to no more than 1 dBA above the ambient noise level.
17. The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time coordinated with the adjacent neighbors.

**General Conditions**

18. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
19. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the

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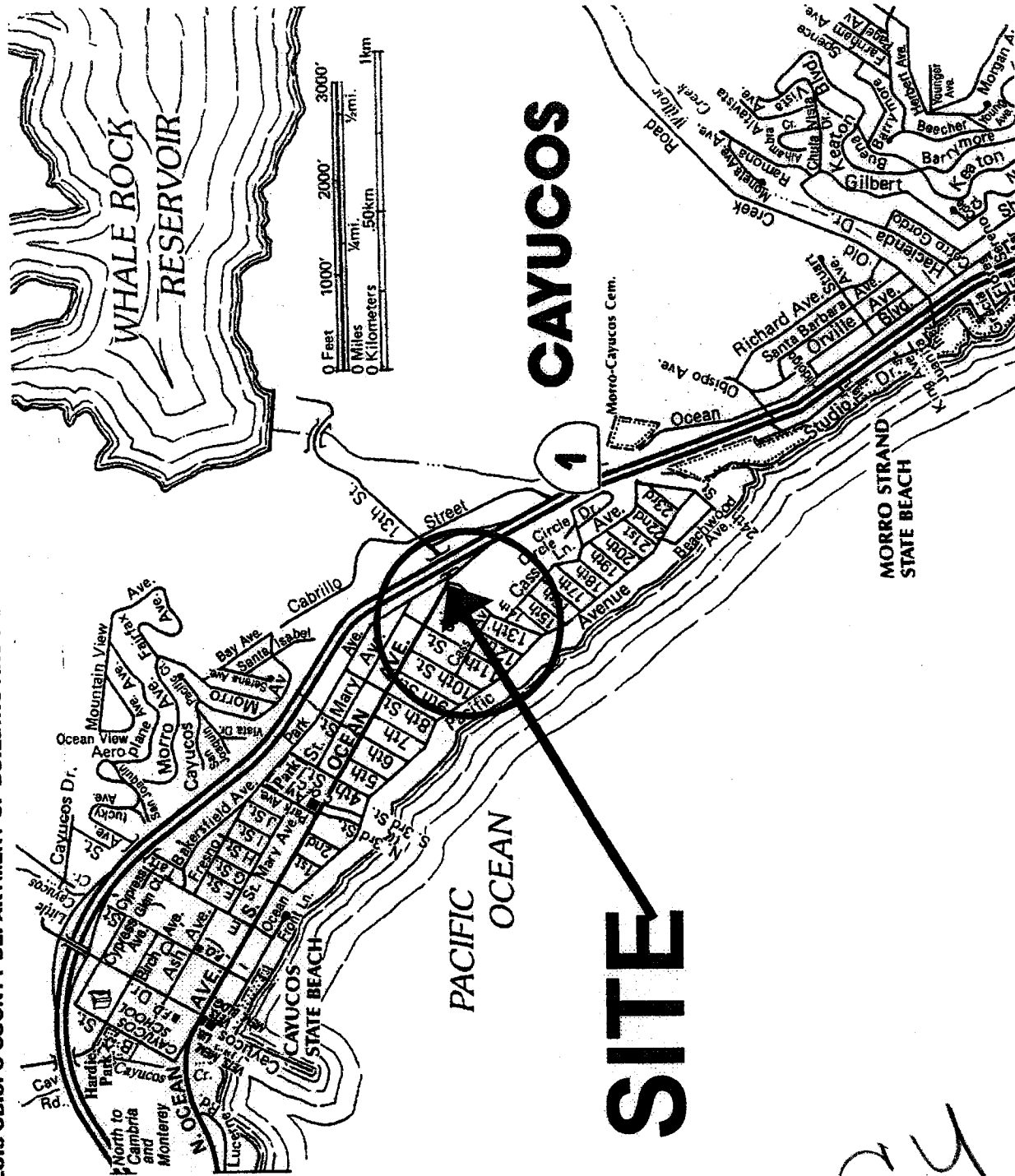
Planning Commission

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Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

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EXHIBIT

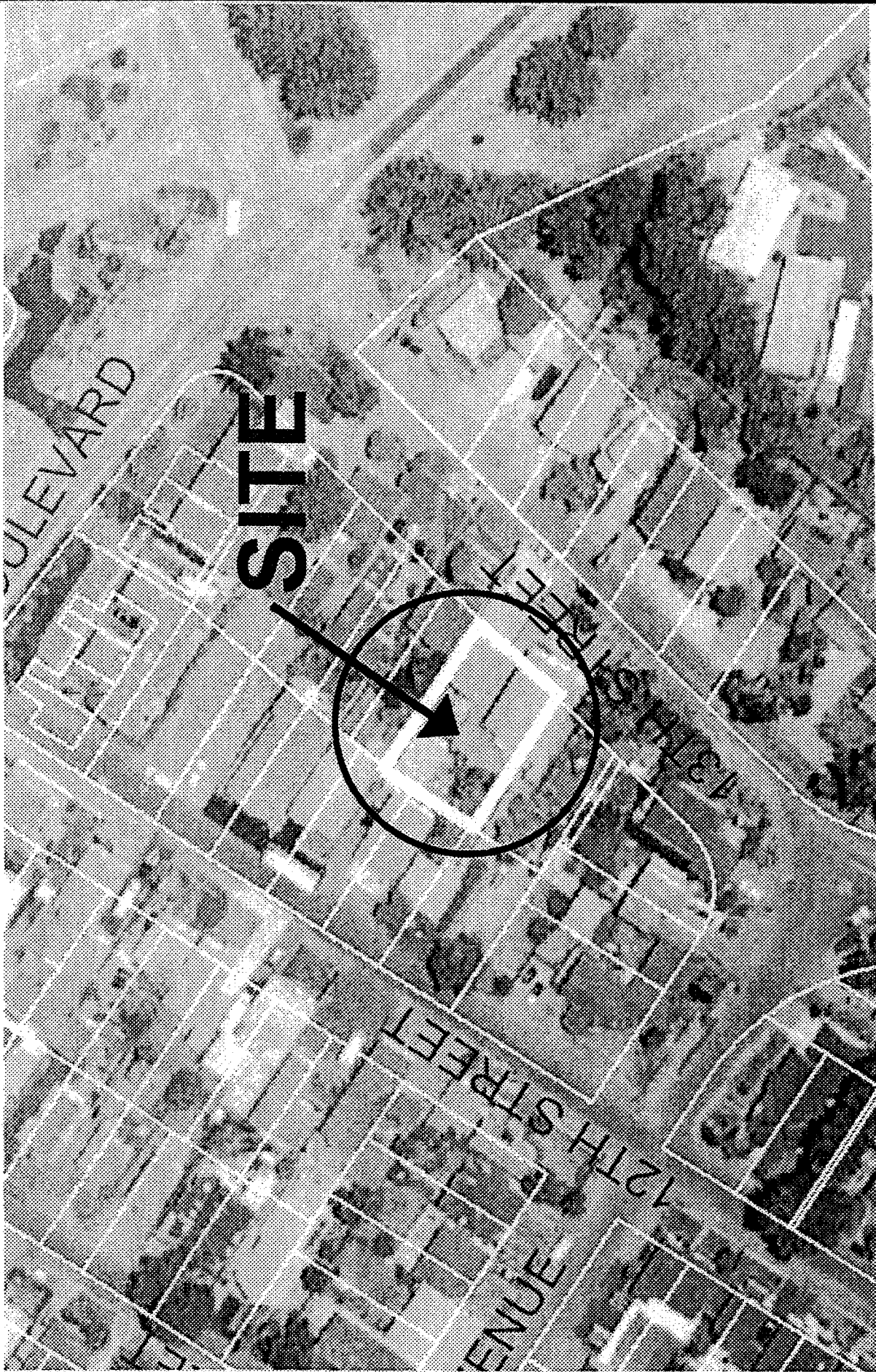
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PROJECT

Development Plan  
SBC DRC2004-00060

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EXHIBIT



PROJECT

Development Plan  
SBC DRC2004-00060

Vicinity Map

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

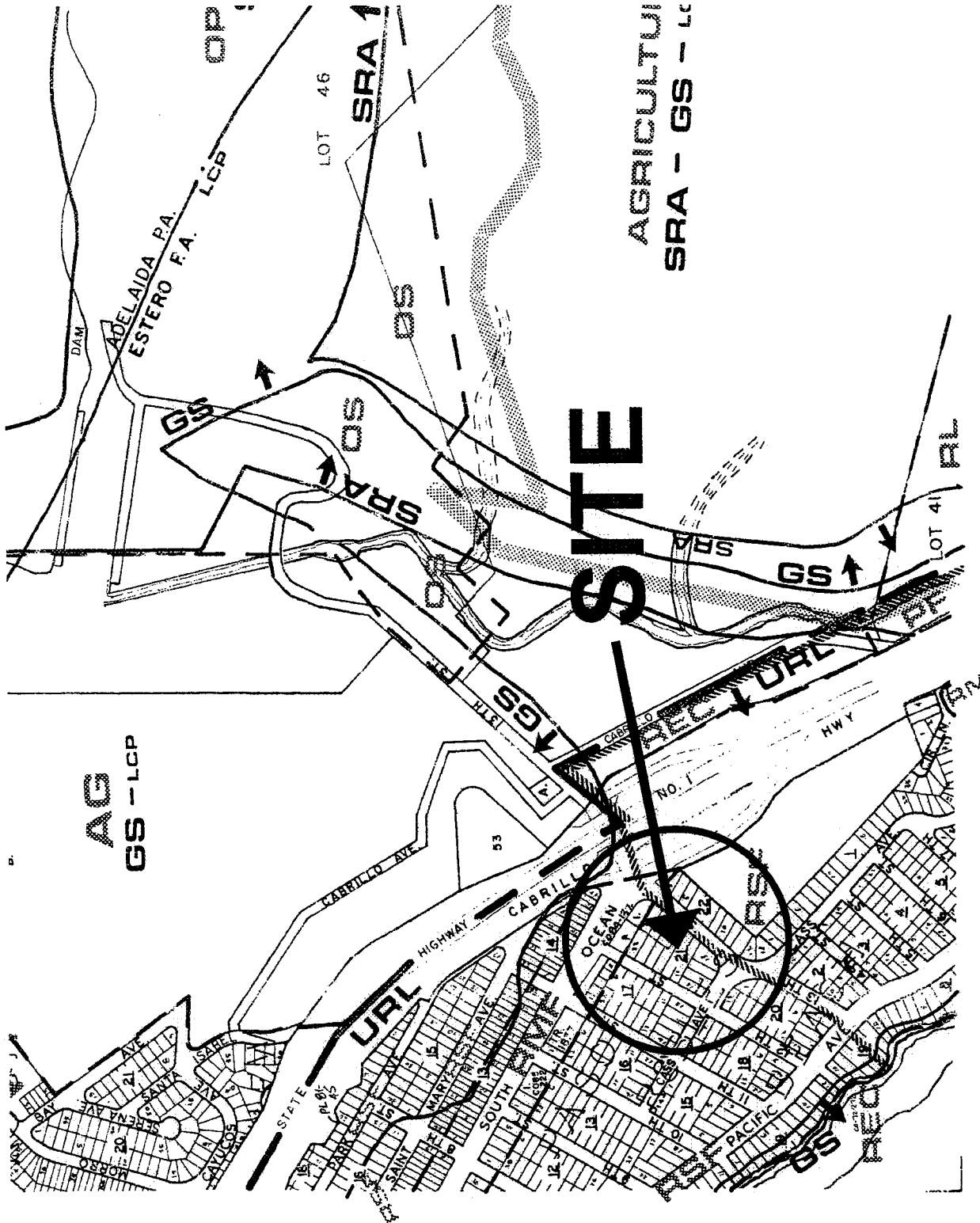
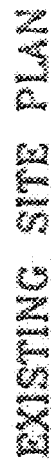


EXHIBIT  
Land Use Category Map



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SBC DRC2004-00060



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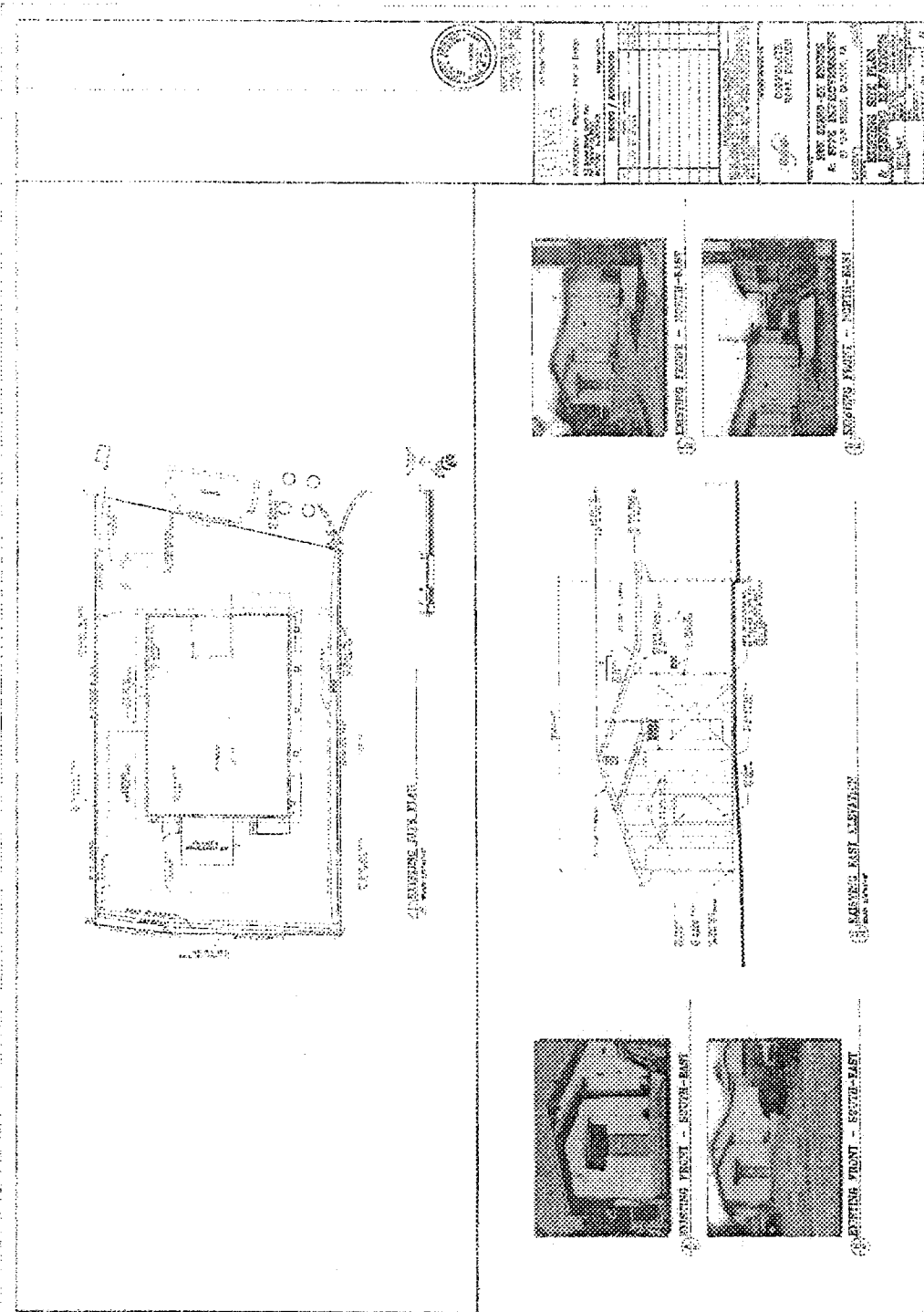
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**EXHIBIT**



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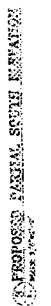
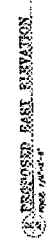


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EXHIBIT  
Existing site Plan and Elevations



PROJECT  
Development Plan  
SBC DRC2004-00060



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**DESCRIPTION OF SERVICE**

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DATE: 10/20/2010

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**Abstract**

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## d Elevations

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**EXHIBIT**

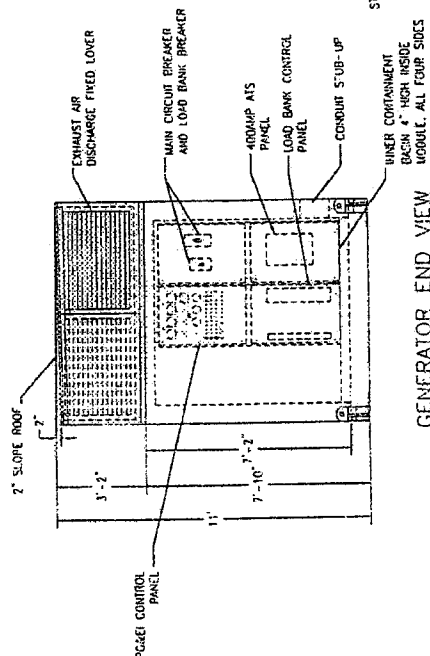
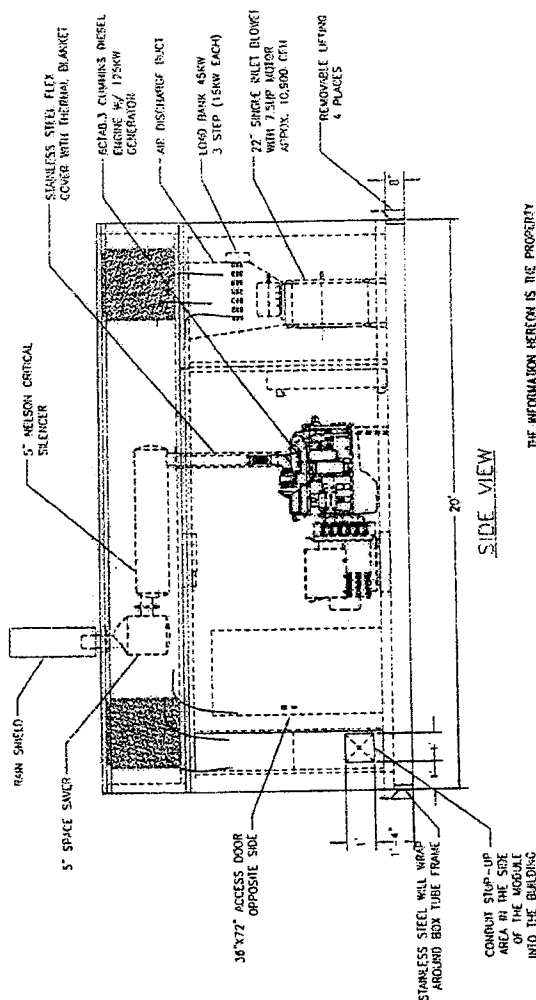
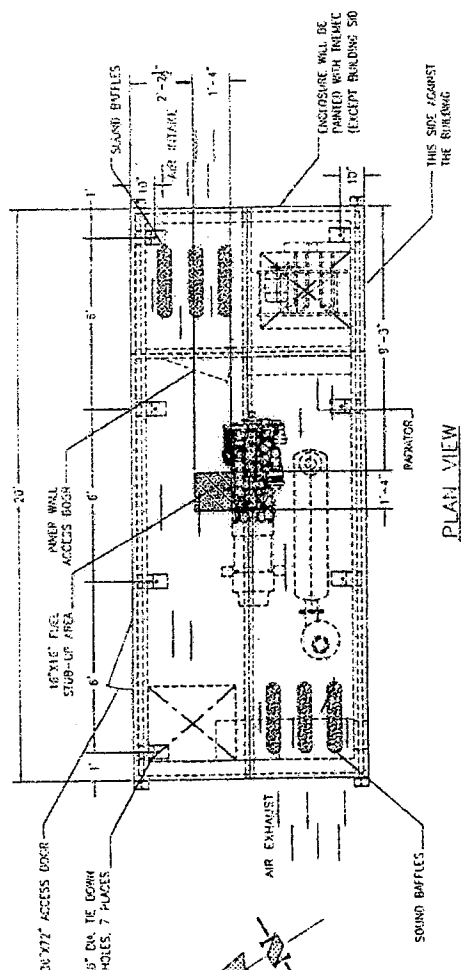
## Proposed site Plan and Elevations



# PROJECT

Development Plan  
SBC DRC2004-00060

2-21



THE INFORMATION HEREON IS THE PROPERTY OF POWER GENERATION & ENGINEERING, INC. ANY COPYING, TRANSMITTAL TO OTHERS AND USE EXCEPT THAT FOR WHICH IT IS LOANED IS PROHIBITED.

56915810.MC

STC

1. MOIST MATERIAL 12 GAUGE 30 X 30 WIRELESS STEEL
2. WALL HAVE STAMPED STEEL DOOR HINGES WITH BRONZE
3. THINEST WALLS. SMALL CLOSE WITH 3-PT CLOSING HANDLE
4. WALL HAVE 24X4 / 3 STEP OF RAW ALUMINUM LOAN BIRM
5. WALL USE CUMULOUS ACTA B 3-1/2 ENGINE
6. WALL USE NEWAGE STAMPED GENERATOR
7. APPROXIMATE MUST SET FLAT ON CONCRETE SLAB 12" AFEET SQUAD LEVEL
8. APPROXIMATE WEIGHT 34,500 POUNDS DOT
9. 4" 42 SOUND INSULATION ON HANGER WALLS
10. FINISHED WITH PREPARED WAFLED ALUMINUM SHEETING
11. AND INFO IN PLACE BY CHIP PIN WELDED FASTENERS.
12. SOUND LEVEL OF THE ENCLOSURE WILL BE AS DBA AT PROPERTY LINE
13. AND ZERO TO FIVE FEET OF THE GROUND.
14. ELECTRICAL INFORMATION: 500 CABLES W/ 44 GROUND (1 FOR COMMERCIAL, 1 FOR LOAD)
15. (2) 1/2" CABLES W/ 44 GROUND (1 FOR COMMERCIAL, 1 FOR LOAD)
16. (1) 3/4" CONDUIT FIRE ALARM CABLE
17. (1) 3/4" CONDUIT FIRE ALARM CABLE
18. (1) 3/4" CONDUIT FOR ILS-250 (IF SENSORS ARE BROUGHT THRU THE MODULE)
19. (1) 3/4" CONDUIT SPARE

VOLTAGE 120/208 Jo 4 WIRE

## PROJECT

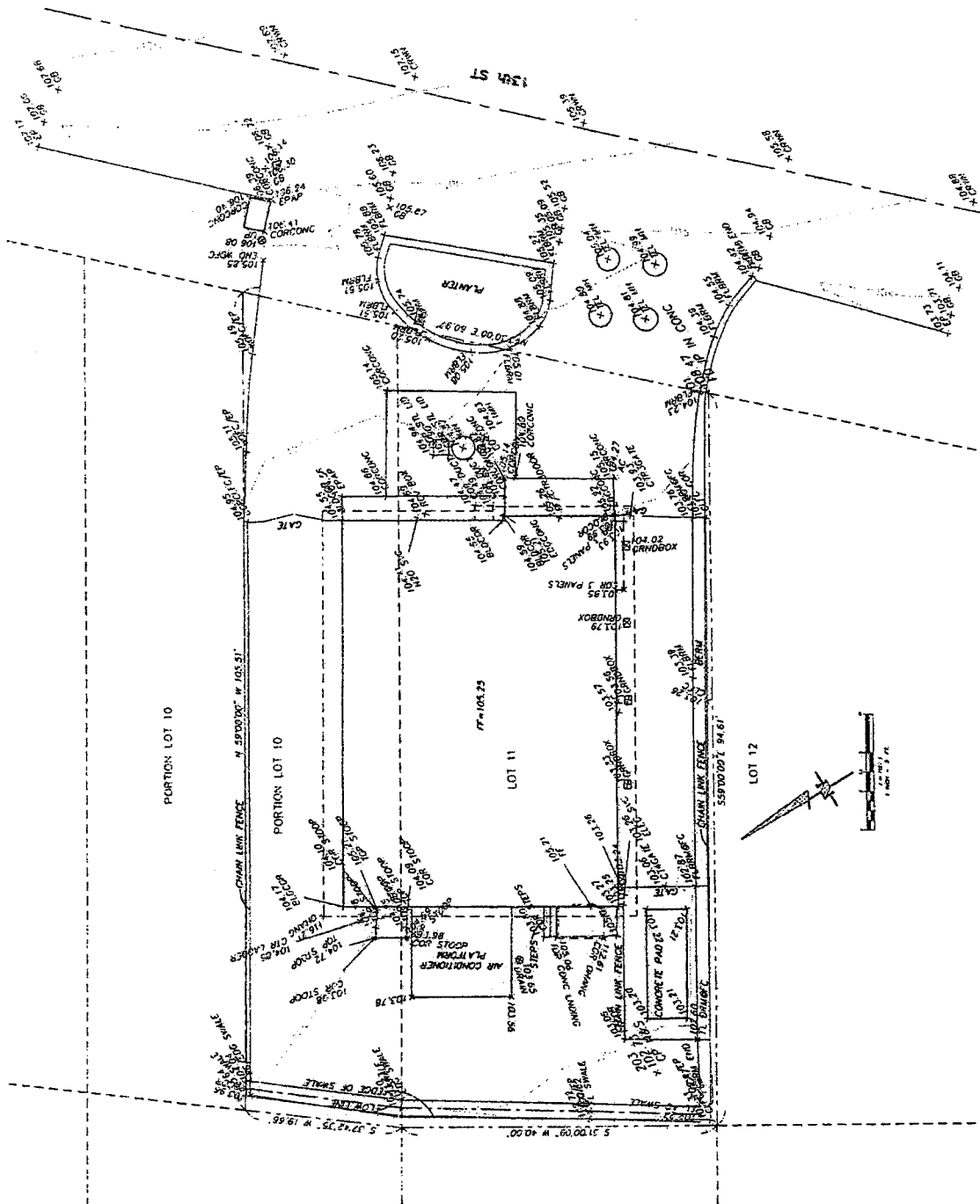
Development Plan  
SBC DRC2004-00060

**EXHIBIT**

## Generator



2-22



C-4  
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PROJECT

Development Plan  
SBC DRC2004-00060

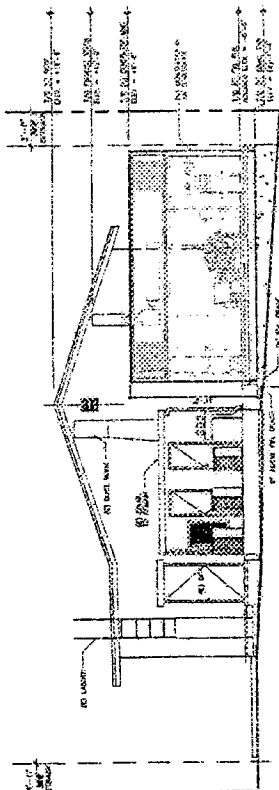
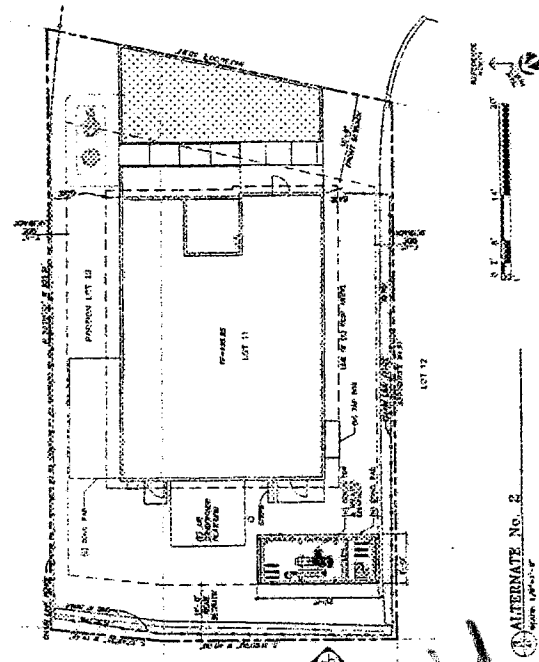
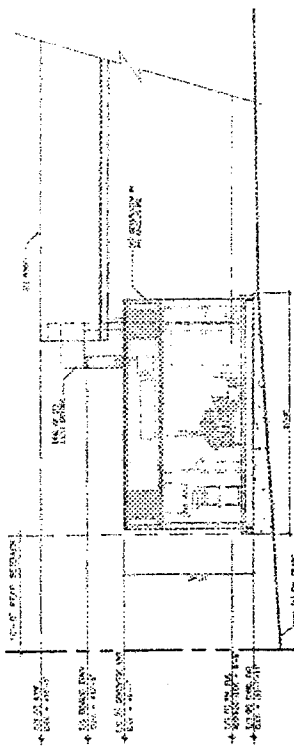
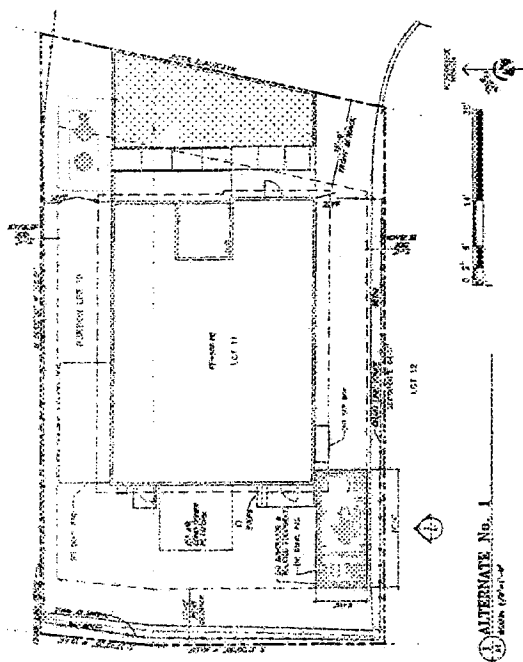
EXHIBIT

Electrical Upgrade & Site Improvement



2-23

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

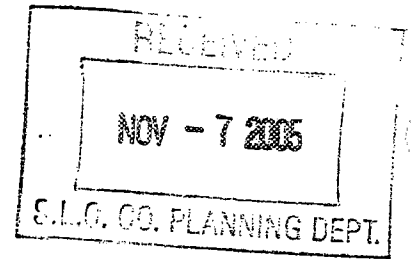
Development Plan  
SBC DRC2004-00060

EXHIBIT

Original Alternatives submitted by applicant



2-24  
HARRY M. HUMPHREY  
TRUSTEE OF THE MARSHALL TRUST  
835 SPRING DRIVE  
MILL VALLEY, CA 94941



November 2, 2005

Ms. Kerry Brown  
Project Manager  
San Luis Obispo County  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

RE: County File Nos. DRC2004-00-060 & DRC2005-00041  
Parcel No. 064163016

Dear MS. Brown:

Thank you for the notice of the upcoming public hearing relative to a variance at 65 13th Street, Cayucos, which apparently is owned by SBC. I am the trustee for the adjacent piece of property located at 62 12th Street. The subject property has always been a bit of a mystery to me as to the ownership, which was not readily identifiable.

As I live in Marin County, it may not be possible for me to appear in person on the Wednesday after Thanksgiving, but I will try. In the event I cannot appear, I would like to strongly object to the granting of this variance.

I have several reasons which are as follows:

1. Noise. Emergency generators are extremely noisy as we have found in Marin County where we are frequently without power. Many of my neighbors have generators.

2. Air Pollution. Internal combustion engines give out carbon dioxide which will smell up the neighborhood.

3. Bad Neighbor. Apparently, for years, water has been deliberately diverted from SBC's back parking lot onto our property. My Aunt Lucile bought our property in 1968. It was used strictly as a summer vacation spot by my aunt and other members of our family. Last year, my aunt passed away and I became the

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successor trustee and responsible for the wellbeing of this property. While at the memorial service for my aunt at the Cayucos cemetery, a heavy rain occurred with resultant flooding in our back yard, jeopardizing the foundations of our house. Upon investigating the source of this water, I discovered that the SBC building has paved over all of the land including the back yard but left a trough across the back property line next to their fence. This trough takes all the run-off and diverts it into our back yard at #62 and into the backyard of #68.

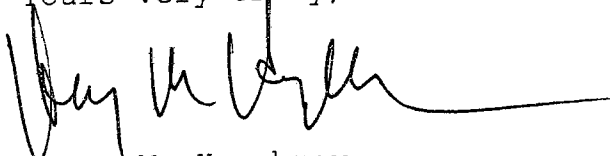
To exemplify this I have included several photographs. Photograph #1 shows the water from SBC's trench and puddling in the corner that flows into our property. Picture #2 is our backyard with water from SBC's property lapping at the foundations. Picture #3 is the backup of water occurring at #68 which is directly in back of the SBC building. Pictures #4 and #5 are the same gully when it is not raining.

Until your letter I had no idea who owned that building and who to complain to. While I realize this may not be germane to the granting of the variance, I think it is important that the attitude of a property owner towards its adjacent neighbors should be taken into consideration. This is an ugly building in the middle of a residential area; there has been absolutely no attempt to try to beautify the building with landscaping or a wood fence or anything to try to make it more attractive.

I am not sure why a telephone switching building is located in the middle of a residential area instead of a strip mall where it belongs. I am sure there is some historical reason for that. It seems to me with the price of real estate in Cayucos these days, that SBC would be better off tearing the building down and selling the lot. It would certainly provide enough capital to relocate to a more appropriate neighborhood.

Once again, thanks for calling this to my attention and I hope to attend the public hearing.

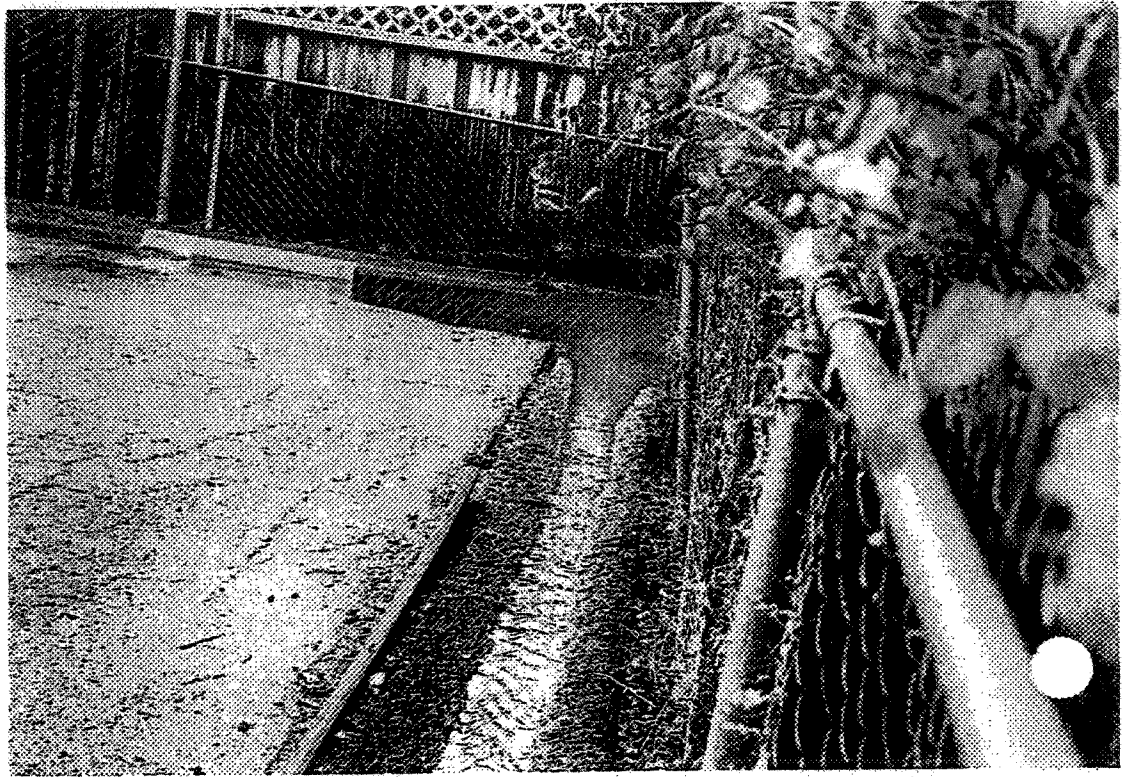
Yours very truly,

  
Harry M. Humphrey

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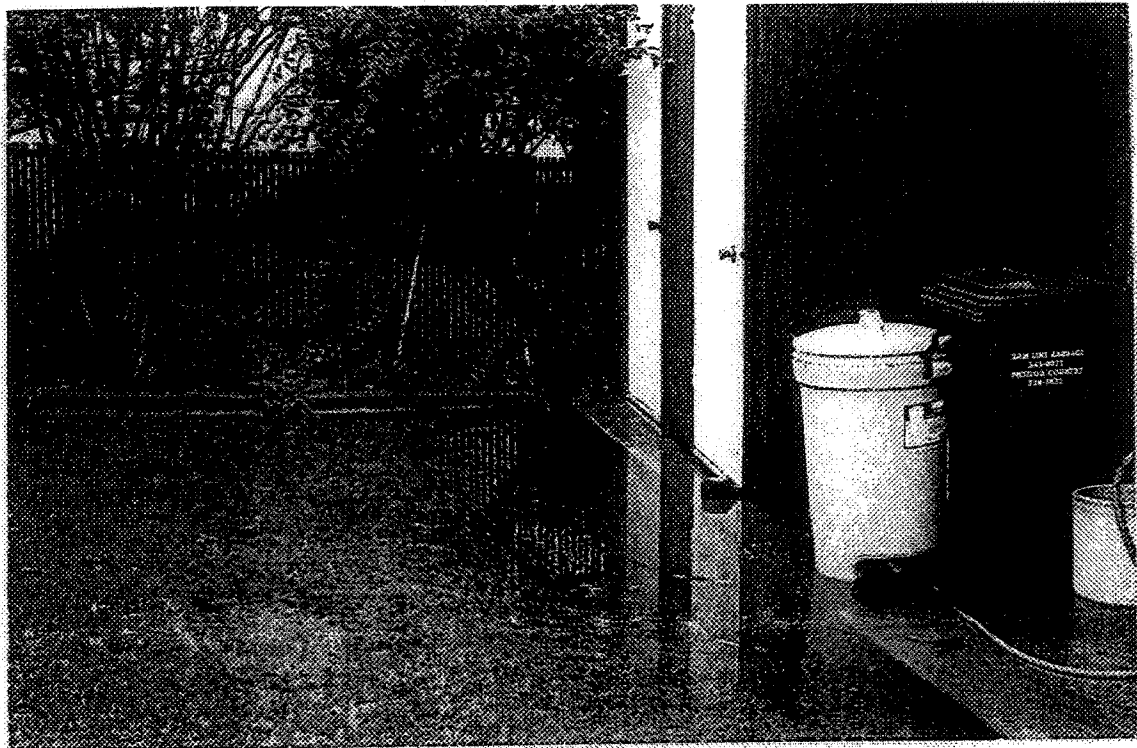
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#3



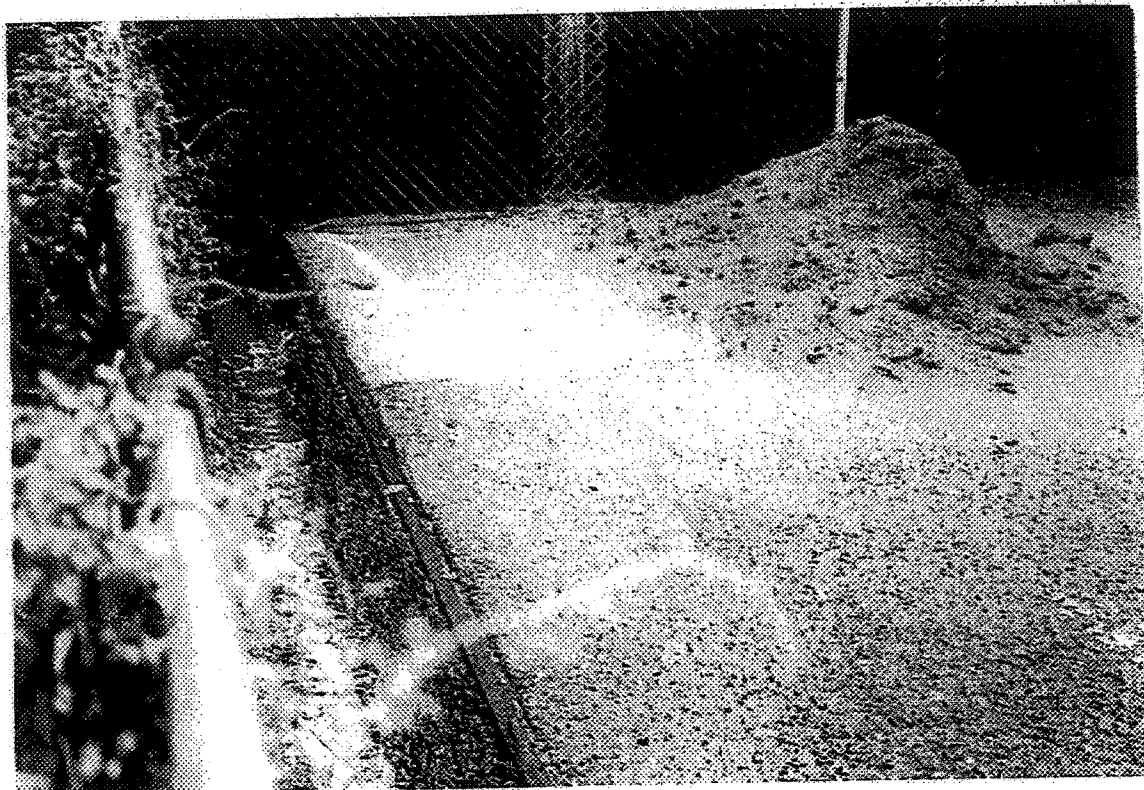
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November 8, 2005

Ms. Kerry Brown, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

RE: Public hearing regarding the development of a new SBC emergency generator in  
Cayucos - County File Nos. DRC2004-00060 and DRC2005-00041

Dear Ms. Brown,

I am writing as a representative of my aunt, Eldora Triguero, who resides at 68 12<sup>th</sup> Street, Cayucos (APN 064-163-009). This letter is in regards to SBC's plans to build a new emergency generator at 65 13<sup>th</sup> Street, directly behind Eldora's residence.

SBC's building resides on a lot consisting mostly of asphalt. On that lot there exists a drainage trench in the asphalt along the northerly fence that borders Eldora's residence. During rainstorms, runoff enters an existing phone company utility easement that runs along the rear yards of homes bordering 12<sup>th</sup> and 13<sup>th</sup> Streets. This runoff becomes channeled when it reaches the SBC drainage trench, and then it outfalls into Eldora's back yard, as well as the yard to her south (62 12<sup>th</sup> Street). Please see the attached schematic and photographs.

During a heavy storm on March 18, 2005, runoff that was channeled through the SBC property flooded the second unit on Eldora's property, causing over \$1000 in initial clean up costs.

When SBC was approached regarding compensation for damages, the phone company's representative, Cynthia Warner, stated that this runoff path is a natural drainage condition, thus no recompense would be made.

From my experience as a civil engineer who works with a Northern California water agency, runoff has the tendency to increase directly with increased upstream development. In essence, the natural drainage path along this easement can no longer carry its historical runoff without causing damage downstream as it becomes channeled in the SBC trench, as was the case on March 18<sup>th</sup>.

In the California Supreme Court case Locklin v. City of LaFayette (1994), the Court held, "When alterations or improvements on upstream property discharge an increased volume of surface water into a natural watercourse, the increased volume and/or velocity of the

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stream waters or the method of discharge into the watercourse causes downstream property damage, a public entity, as a property owner, may be liable for that damage."

On my aunt's behalf, and as her representative, I formally and conditionally reject SBC's request for installation of a generator on their site. Since this new building will serve to add to the already existing drainage problem, I ask that SBC discontinue their development request, mitigate the existing drainage problem (by means a sump pump, or some other form of storm drain improvement) and reimburse Eldora Triguero for her expenses incurred.

Thank you,

Karen Sullivan  
(707)527-1747  
1605 Range Avenue  
Santa Rosa, CA 95401

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(APPROXIMATE NORTH)

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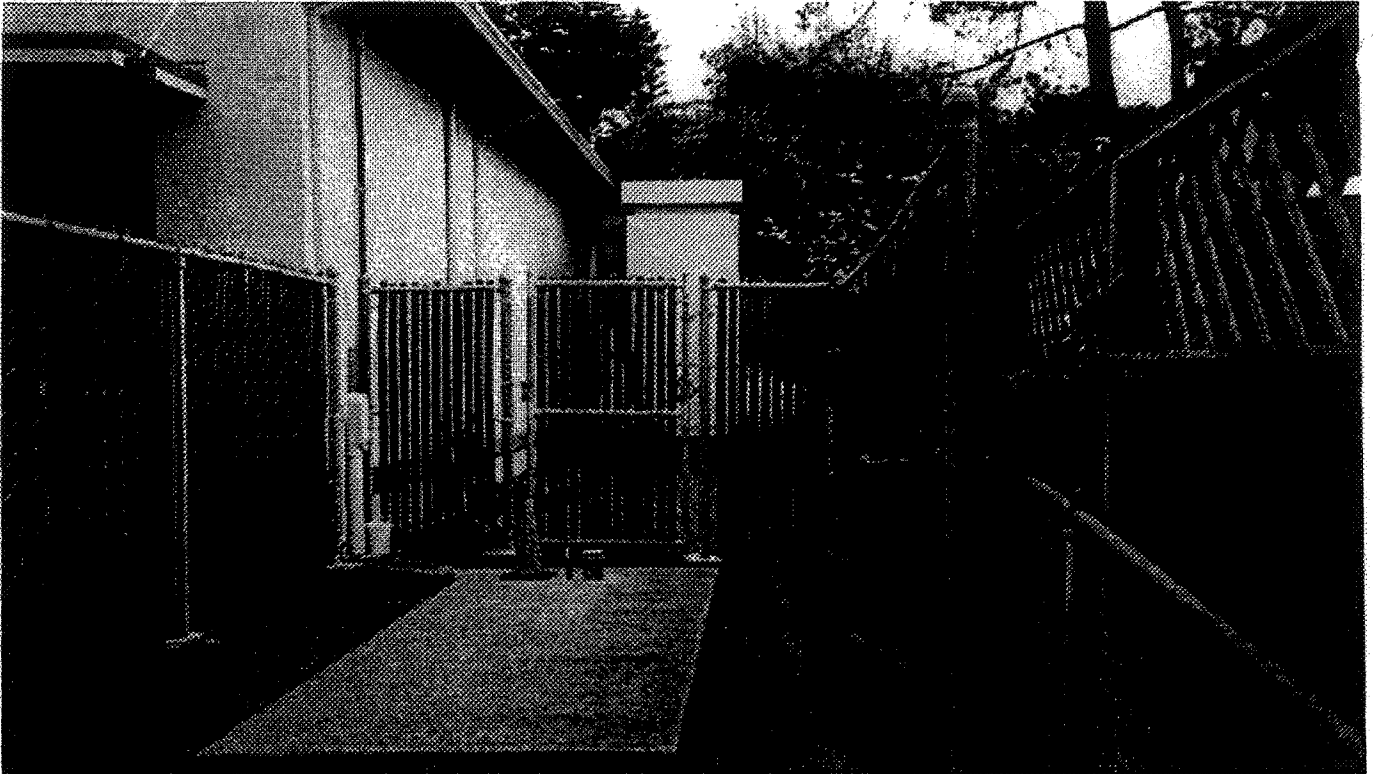
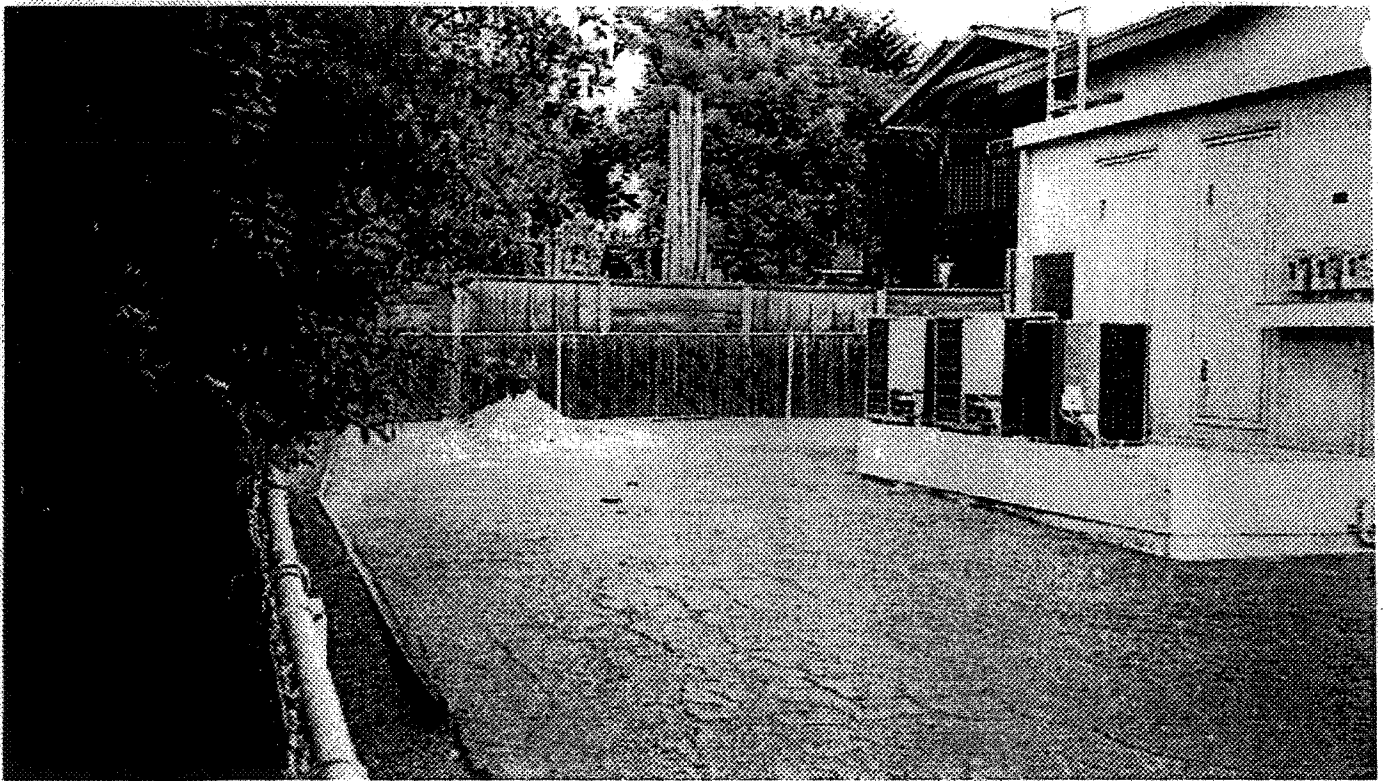


Figure 4



• Figure 5

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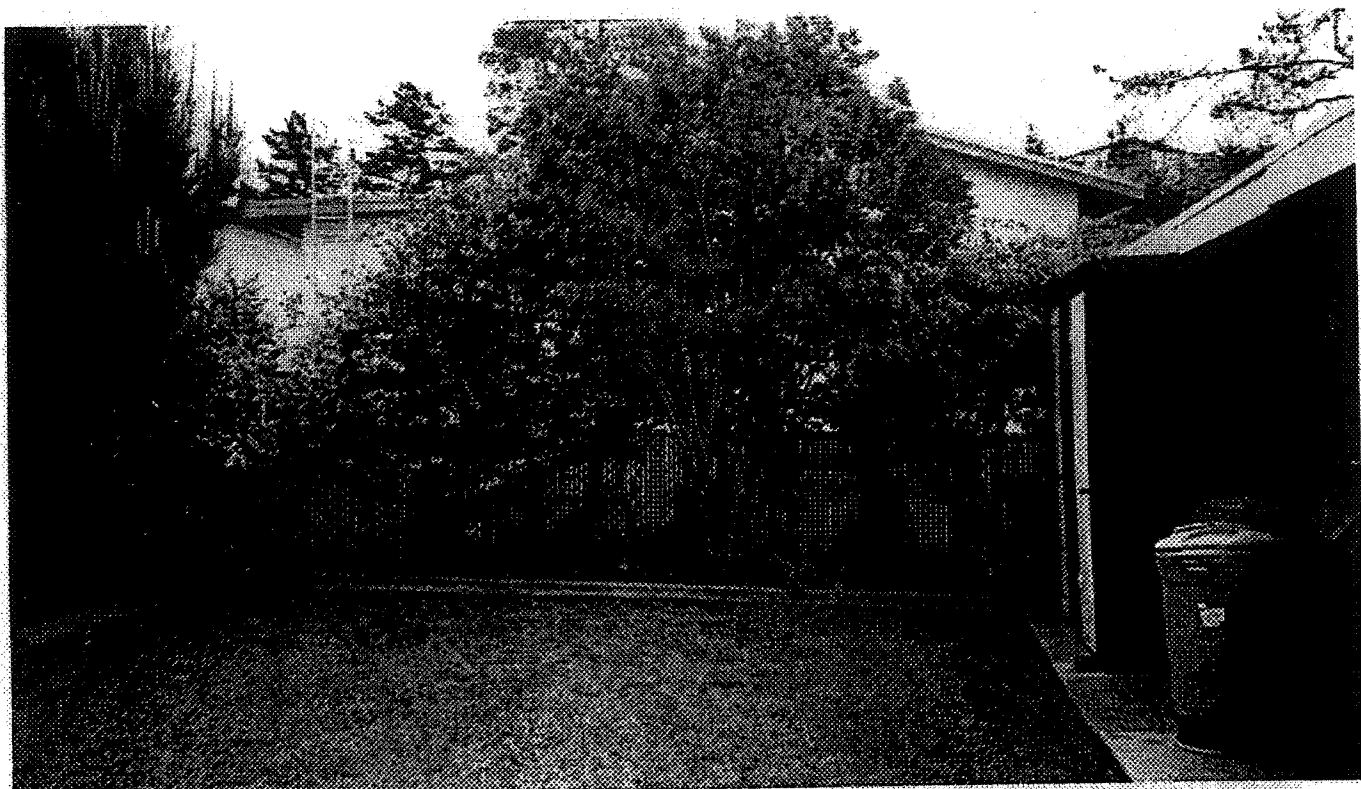


Figure 1

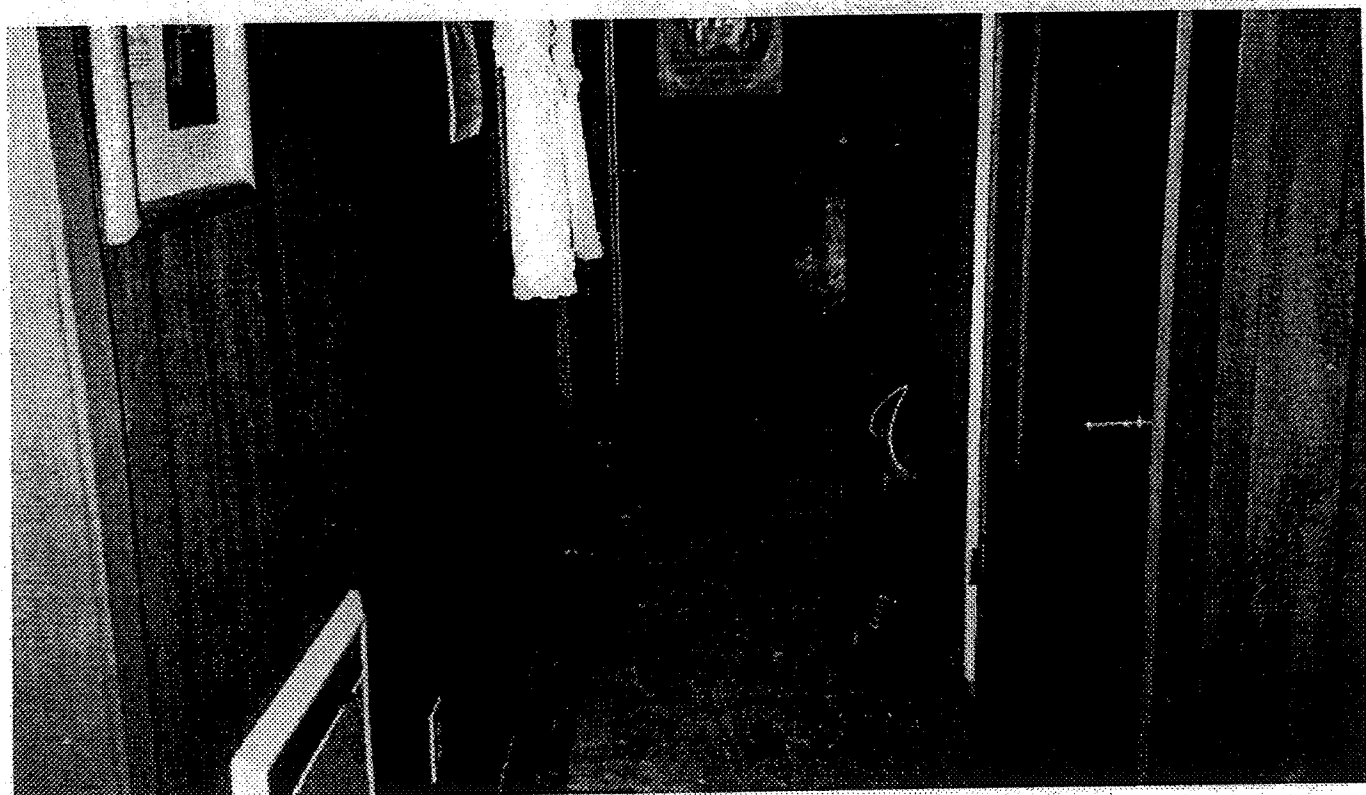


Figure 2

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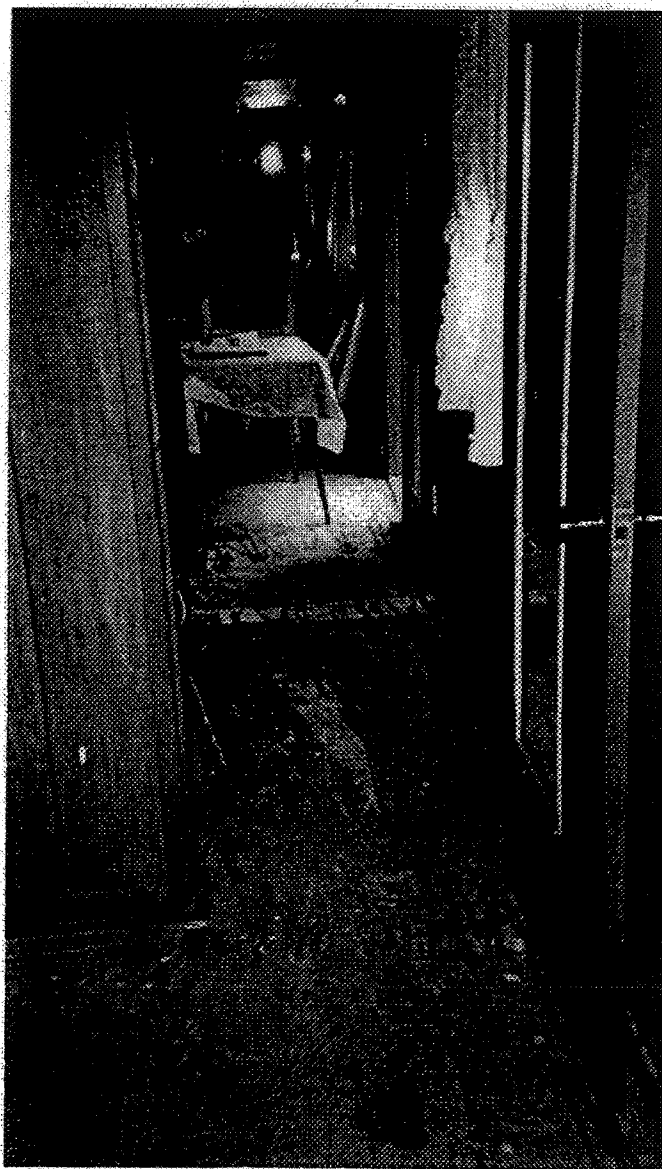


Figure 3

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# COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY ( )

## MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED05-091

DATE: 10/20/05

PROJECT/ENTITLEMENT: SBC Development Plan and Variance DRC2004-00060

APPLICANT NAME: SBC

ADDRESS: 143 Second St., San Francisco, CA 94105

CONTACT PERSON: David Wagner

Telephone: 415-777-4811

**PROPOSED USES/INTENT:** Proposal by SBC for a Development Plan and Variance to allow a new emergency generator in support of an existing telephone switching facility located in the front setback. The project will result in the disturbance of approximately 200 square feet of a 6000 square feet parcel

**LOCATION:** The project is located at 65 13th Street in the community of Cayucos, in the Estero planning area

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** California Coastal Commission

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT** ..... 5 p.m. on

**20-DAY PUBLIC REVIEW PERIOD** begins at the time of public notification

### Notice of Determination

State Clearinghouse No. \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Kerry Brown

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** SBC Development Plan and Variance DRC2004-00060 and DRC2005-00041; ED 05-091

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Aesthetics  | <input type="checkbox"/> Geology and Soils                      | <input type="checkbox"/> Recreation                 |
| <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise                       | <input type="checkbox"/> Wastewater                 |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Population/Housing                     | <input type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Public Services/Utilities              | <input checked="" type="checkbox"/> Land Use        |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kerry Brown  
Prepared by (Print)

Signature

Date

John Nail  
Reviewed by (Print)

Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

Date

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by SBC for a Development Plan and Variance to allow a new emergency generator in support of an existing telephone switching facility located in the front setback. The project will result in the disturbance of approximately 200 square feet of a 6000 square feet parcel. The proposed project is within the Residential Single Family land use category and is located at 65 13<sup>th</sup> Street in the community of Cayucos. The site is in the Estero planning area.

**ASSESSOR PARCEL NUMBER(S):** 064-163-016

**SUPERVISORIAL DISTRICT # 2**

**B. EXISTING SETTING**

**PLANNING AREA:** Estero, Cayucos

**LAND USE CATEGORY:** Residential Single Family

**COMBINING DESIGNATION(S):** Local Coastal Plan/Program , Small Scale Neighborhood

**EXISTING USES:** Telephone switching facility

**TOPOGRAPHY:** Nearly level

**VEGETATION:** Grasses

**PARCEL SIZE:** 6,002 square feet

**SURROUNDING LAND USE CATEGORIES AND USES:**

|  |   |
|--|---|
| <i>North:</i> Residential Single Family; residential | <i>East:</i> Residential Single Family; residential |
| <i>South:</i> Residential Single Family; residential | <i>West:</i> Residential Single Family; residential |

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### C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

#### COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

| 1. | <b>AESTHETICS - Will the project:</b>                               | Potentially Significant  | Impact can & will be mitigated      | Insignificant Impact                | Not Applicable           |
|----|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) | Create an aesthetically incompatible site open to public view?      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) | Introduce a use within a scenic view open to public view?           | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Change the visual character of an area?                             | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Create glare or night lighting, which may affect surrounding areas? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Impact unique geological or physical features?                      | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) | Other: _____  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The proposed project is an emergency generator in support of a telephone switching facility. The project site is located in a residential neighborhood. To minimize noise impacts the generator will be enclosed and installed in the front of the parcel attached to the existing facility.

The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways.

**Impact.** The generator will be enclosed by a wall within the front setback. This will not be compatible with the surrounding uses (residential) and may affect the visual character of the area.

**Mitigation/Conclusion.** To ensure that the generator will be compatible with the surrounding uses (residential) the following mitigation measures are required to reduce aesthetic impacts:

The project will be landscaped and screened consistent with the landscape plan and elevations dated July 27, 2005.

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| 2. | <b>AGRICULTURAL RESOURCES - Will the project:</b>        | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|----|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) | Convert prime agricultural land to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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**2. AGRICULTURAL RESOURCES**  
- Will the project:

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| b) Impair agricultural use of other property or result in conversion to other uses? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning or Williamson Act program?                         | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Other: _____   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The soil types include: Cropley clay, (2 - 9 % slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "III", and the "irrigated" soil class is "II".

**Impact.** The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** No mitigation measures are necessary.

**3. AIR QUALITY - Will the project:**

|  | Potentially Significant  | Impact can & will be mitigated      | Insignificant Impact                | Not Applicable           |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Expose any sensitive receptor to substantial air pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Create or subject individuals to objectionable odors?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be inconsistent with the District's Clean Air Plan?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other: _____  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Impact.** As proposed, the project will result in the disturbance of approximately 200 square feet. This

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will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan.

The diesel generator although only for emergency purposes will generate emissions.

**Mitigation/Conclusion** - The project will be required to comply with the following mitigation measures:

The applicant shall obtain an Authority to Construct permit from the APCD and be consistent with all conditions required by the permit.

The applicant has agreed to incorporate these measures into the project (see Developer's Statement). Therefore, upon implementation of these measures, air quality impacts will be reduced to less than significant levels.

| 4. BIOLOGICAL RESOURCES -<br><i>Will the project:</i>   | Potentially<br>Significant | Impact can<br>& will be<br>mitigated | Insignificant<br>Impact             | Not<br>Applicable        |
|---|----------------------------|--------------------------------------|-------------------------------------|--------------------------|
| a) <i>Result in a loss of unique or special status species or their habitats?</i>   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Impact wetland or riparian habitat?</i>   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i> | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Other:</i> _____  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

**Plants:** San Luis Obispo Serpentine Dudleya (*Dudleya abramsii*) app. 0.05 miles south of the property, and 0.3 miles south of the property

**Wildlife:** Southwestern Pond Turtle (*Emys (=Clemmys) marmorata pallida*) app. 0.3 miles east of the property, 1.0 mile south of the property, and 1.0 mile north of the property; app. 0.2 miles south of the property, and 1.0 mile north of the property; Monarch Butterfly (*Danaus plexippus*) app. 0.5 miles north of the property; California Red Legged Frog (*Rana aurora draytonii*) app. 1.0 mile southeast of the property

**Habitats:** Potential California Red Legged Frog (*Rana aurora draytonii*) habitat app. 0.5 miles east of the property

**Impact.** The project site is developed with a telephone switching facility and does not support any



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sensitive native vegetation, significant wildlife habitats, or special status species.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur, and no mitigation measures are necessary.

**5. CULTURAL RESOURCES -**  
*Will the project:*

|                                       | Potentially Significant  | Impact can & will be mitigated | Insignificant impact                | Not Applicable           |
|---------------------------------------|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Disturb pre-historic resources?    | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Disturb historic resources?        | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Other: _____                       | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash. . No historic structures are present and no paleontological resources are known to exist in the area.

**Impact.** The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

**6. GEOLOGY AND SOILS -**  
*Will the project:*

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?            | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Change rates of soil absorption, or amount or direction of surface runoff?  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Include structures located on expansive soils?  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

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**6. GEOLOGY AND SOILS -**  
***Will the project:***

|  | Potentially<br>Significant | Impact can<br>& will be<br>mitigated | Insignificant<br>Impact             | Not<br>Applicable        |
|--|----------------------------|--------------------------------------|-------------------------------------|--------------------------|
| f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>         | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) <i>Involve activities within the 100-year flood zone?</i>   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i> | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) <i>Preclude the future extraction of valuable mineral resources?</i>  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) <i>Other: _____</i>   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered high. The liquefaction potential during a ground-shaking event is considered high. Active faulting is known to exist near the subject property app. 1.2 miles to the south. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (an unnamed stream) from the proposed development is approximately 0.2 miles to the east. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – The soil types include: Cropley clay, (2 - 9 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and erodibility shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

**Impact.** As proposed, the project will result in the disturbance of approximately 200 square feet.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or codes are needed.

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**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

|   | Potentially Significant  | Impact can & will be mitigated      | Insignificant Impact                | Not Applicable           |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Interfere with an emergency response or evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Expose people to safety risk associated with airport flight pattern?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create any other health hazard or potential hazard?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Other: _____   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

To support the emergency generator the telephone switching facility stores diesel fuel on site

**Impact.** The project does propose the use of hazardous materials (diesel fuel storage). The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** The project will be required to incorporate the following measures to reduce potentially significant impacts related to hazards and hazardous material to less than significant levels:

The applicant shall update and maintain a hazardous material plans thru the Department of Environmental Health.

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no

**8. NOISE - Will the project:**

|   | Potentially Significant  | Impact can & will be mitigated      | Insignificant Impact     | Not Applicable           |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Expose people to noise levels that exceed the County Noise Element thresholds? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Generate increases in the ambient noise levels for adjoining areas?            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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8. **NOISE - Will the project:**

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| c) <i>Expose people to severe noise or vibration?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Other:</i> _____                                | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting / Impacts.** The proposed project is a new emergency generator in support of the existing telephone switching facility, which may expose sensitive receptors (residences) to noise levels exceeding acceptable levels. The proposed new emergency generator will replace an outdated existing emergency generator. The project site is within close proximity of loud noise sources, Highway 1.

The emergency generator produces a noise level of 109dBA. An acoustical analysis was completed to determine the ambient noise level at the site (Lord, 2005). In the front of the site (street side) the day/night average noise level (LDN) 56 dBA. The Coastal Zone Land Use Ordinance allowable exterior noise level ranges from 50 to 70 in the daytime and 45-65 in the nighttime. When the ambient noise level exceeds the noise level standards (as it does in this instance) the applicable exterior noise level standards shall be adjusted to equal the ambient noise level plus 1 dB.

**Mitigation/Conclusion.** The project will be required to incorporate the following measures to reduce potential noise impacts to less than significant levels:

1. The emergency generator will be enclosed by a sound attenuation module that will reduce the noise level of the generator to no more than 1 dBA above the ambient noise level.
2. The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time coordinated with the adjacent neighbors.
3. Prior to testing and/or operation of the generator, the applicant shall provide evidence (as prepared by a qualified acoustical engineer) that the proposed emergency generator meets the standards of the Ordinance and element and does not increase the ambient noise level more than 1 dBA. If it cannot be demonstrated that the project meets the above condition the applicant shall provide a list of additional mitigation measures for review and approval by the Department of Planning and Building.

9. **POPULATION/HOUSING - Will the project:**

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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**9. POPULATION/HOUSING -**  
*Will the project:*

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| c) <i>Create the need for substantial new housing in the area?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Use substantial amount of fuel or energy?</i>                | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Other: _____</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

**10. PUBLIC SERVICES/UTILITIES -**  
*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Fire protection?</i>                        | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Police protection (e.g., Sheriff, CHP)?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Schools?</i>                                | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Roads?</i>                                  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Solid Wastes?</i>                           | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <i>Other public facilities?</i>                | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) <i>Other: _____</i>                            | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The project area is served by the County Sheriff's Department and Cayucos Fire as the primary emergency responders. The closest Cayucos fire station is approximately 2 miles to the north. The closest Sheriff substation is in Los Osos, which is approximately 12 miles from the proposed project. The project is located in the Cayucos Elementary School District.

**Impact.** The proposed projects will not increase the need for public services or utilities.

**Mitigation/Conclusion.** No significant public service impacts are anticipated, and no mitigation measures are necessary.

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| 11. RECREATION - Will the project:   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Increase the use or demand for parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Affect the access to trails, parks or other recreation opportunities?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Other _____   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

**Impact.** The proposed project will not create a significant need for additional park or recreational resources.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.

| 12. TRANSPORTATION/<br>CIRCULATION - Will the project:  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Increase vehicle trips to local or areawide circulation system?  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Reduce existing "Levels of Service" on public roadway(s)?  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?                                    | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Provide for adequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate parking capacity?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate internal traffic circulation?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Result in a change in air traffic patterns that may result in substantial safety risks?  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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**12. TRANSPORTATION/ CIRCULATION - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

i) Other: \_\_\_\_\_

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**Setting.** Future development will access onto the following public road(s): 13<sup>th</sup> Street. The identified roadway is operating at acceptable levels. A Referral was sent to Public Works. No significant traffic-related concerns were identified.

**Impact.** The proposed project will not increase traffic trips to the site, since the project is to install a new emergency generator.

**Mitigation/Conclusion.** No significant traffic impacts were identified, and no mitigation measures are necessary.

**13. WASTEWATER - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?

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b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?

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☒
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c) Adversely affect community wastewater service provider?

☐
☐
☒
☐

d) Other: \_\_\_\_\_

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**Setting / Impact.** The project currently uses Cayucos Sanitary District as its means to dispose wastewater. The proposed project will not increase effluent disposal.

**Mitigation/Conclusion.** No mitigation measures are necessary.

**14. WATER - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

a) Violate any water quality standards?

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☐
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☐

b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?

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**14. WATER - Will the project:**

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Change the quantity or movement of available surface or ground water?</i>                  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Adversely affect community water service provider?</i>                                     | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <i>Other: _____</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The project currently uses the Paso Robles Beach Water Association as its water purveyor. The proposed project will not increase water needs

The topography of the project is nearly level. The closest creek (an unnamed stream) from the proposed development is approximately 0.2 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

**Impact.** As proposed, the project will result in the disturbance of approximately 200 square feet.

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

**15. LAND USE - Will the project:**

|  | Inconsistent             | Potentially Inconsistent            | Consistent                          | Not Applicable           |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Be potentially incompatible with surrounding land uses?</i>  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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**15. LAND USE - Will the project:**

Inconsistent

Potentially  
Inconsistent

Consistent

Not  
Applicable

e) Other: \_\_\_\_\_

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☐
☐
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**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used), except for front setback standards as required in the Estero Area Plan. The project will require a variance for the front setback. Staff supports this variance because the generator will be located in an area that will expose fewer neighbors to the noise associated with the emergency generator. In addition this location was favored by the neighbors and the community (see letter from Cayucos Citizens' Advisory Council).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study, with appropriate mitigation measures (see Aesthetic Section)

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

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b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

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c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Review", or the California Environmental Resources Evaluation System at "[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)" for information about the California Environmental Quality Act.

C-4  
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2-51

# **Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

| <u>Contacted</u>                    | <u>Agency</u>                                   | <u>Response</u> |
|-------------------------------------|---|-----------------|
| <input checked="" type="checkbox"/> | County Public Works Department                  | Attached        |
| <input checked="" type="checkbox"/> | County Environmental Health Division            | Attached        |
| <input type="checkbox"/>            | County Agricultural Commissioner's Office       | Not Applicable  |
| <input type="checkbox"/>            | County Airport Manager                          | Not Applicable  |
| <input type="checkbox"/>            | Airport Land Use Commission                     | Not Applicable  |
| <input type="checkbox"/>            | Air Pollution Control District                  | Not Applicable  |
| <input type="checkbox"/>            | County Sheriff's Department                     | Not Applicable  |
| <input type="checkbox"/>            | Regional Water Quality Control Board            | Not Applicable  |
| <input checked="" type="checkbox"/> | CA Coastal Commission                           | None            |
| <input type="checkbox"/>            | CA Department of Fish and Game                  | Not Applicable  |
| <input type="checkbox"/>            | CA Department of Forestry                       | Not Applicable  |
| <input type="checkbox"/>            | CA Department of Transportation                 | Not Applicable  |
| <input type="checkbox"/>            | Community Service District                      | Not Applicable  |
| <input checked="" type="checkbox"/> | Other <u>Cayucos Sanitary District and Fire</u> | Attached        |
| <input checked="" type="checkbox"/> | Other <u>CCAC</u>                               | Attached        |

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Project File for the Subject Application<br><u>County documents</u><br><input type="checkbox"/> Airport Land Use Plans<br><input checked="" type="checkbox"/> Annual Resource Summary Report<br><input type="checkbox"/> Building and Construction Ordinance<br><input checked="" type="checkbox"/> Coastal Policies<br><input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)<br><input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:<br><input checked="" type="checkbox"/> Agriculture & Open Space Element<br><input checked="" type="checkbox"/> Energy Element<br><input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)<br><input checked="" type="checkbox"/> Housing Element<br><input checked="" type="checkbox"/> Noise Element<br><input type="checkbox"/> Parks & Recreation Element<br><input checked="" type="checkbox"/> Safety Element<br><input checked="" type="checkbox"/> Land Use Ordinance<br><input type="checkbox"/> Real Property Division Ordinance<br><input type="checkbox"/> Trails Plan<br><input type="checkbox"/> Solid Waste Management Plan | <input checked="" type="checkbox"/> Estero Area Plan and Update EIR<br><input type="checkbox"/> Circulation Study<br><u>Other documents</u><br><input checked="" type="checkbox"/> Archaeological Resources Map<br><input checked="" type="checkbox"/> Area of Critical Concerns Map<br><input checked="" type="checkbox"/> Areas of Special Biological Importance Map<br><input checked="" type="checkbox"/> California Natural Species Diversity Database<br><input checked="" type="checkbox"/> Clean Air Plan<br><input checked="" type="checkbox"/> Fire Hazard Severity Map<br><input checked="" type="checkbox"/> Flood Hazard Maps<br><input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County<br><input checked="" type="checkbox"/> Regional Transportation Plan<br><input checked="" type="checkbox"/> Uniform Fire Code<br><input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)<br><input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)<br><input type="checkbox"/> Other _____ |
|---|--|

*Handwritten signature/initials*

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Sound Level Assessment (David Lord, April 11, 2005 and July 25, 2005)

Authority to Construct (permit from APCD dated February 20, 2005)

Exhaust Emissions Data Sheet

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## Exhibit B - Mitigation Summary Table

### Aesthetics

A-1 The project will be landscaped and screened consistent with the landscape plan and elevations dated July 27, 2005.

### Air Quality

AQ-1 The applicant shall obtain an Authority to Construct permit from the APCD and be consistent with all conditions required by the permit.

### Hazardous

HH-1 The applicant shall update and maintain a hazardous material plans thru the Department of Environmental Health.

### Noise

N-1 The emergency generator will be enclosed by a sound attenuation module that will reduce the noise level of the generator to no more than 1 dBA above the ambient noise level.

N-2 The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time coordinated with the adjacent neighbors.

N-3 Prior to testing and/or operation of the generator, the applicant shall provide evidence (as prepared by a qualified acoustical engineer) that the proposed emergency generator meets the standards of the Ordinance and element and does not increase the ambient noise level more than 1 dBA. If it cannot be demonstrated that the project meets the above condition the applicant shall provide a list of additional mitigation measures for review and approval by the Department of Planning and Building.

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SEPTEMBER 16, 2005

**DEVELOPER'S STATEMENT FOR SBC DEVELOPMENT PLAN AND VARIANCE  
ED04-517 (DRC2004-00060 AND DRC2005-00041)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**Aesthetics**

1. The project will be consistent with the landscape plan and elevations dated July 27, 2005.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**Air Quality**

2. The applicant shall obtain an Authority to Construct permit from the APCD and be consistent with all conditions required by the permit.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**Hazardous Materials**

3. The applicant shall update and maintain a hazardous material plans thru the Department of Environmental Health.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**Noise**

4. The emergency generator will be enclosed by a sound attenuation module that will reduce the noise level of the generator to no more than 1 dBA above the ambient noise level.
5. The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time coordinated with the adjacent neighbors.

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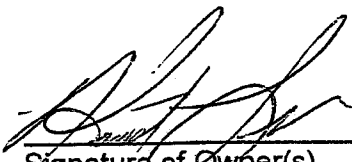
2-56

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

6. Prior to testing and/or operation of the generator, the applicant shall provide evidence (as prepared by a qualified acoustical engineer) that the proposed emergency generator meets the standards of the Ordinance and element and does not increase the ambient noise level more than 1 dBA. If it cannot be demonstrated that the project meets the above condition the applicant shall provide a list of additional mitigation measures for review and approval by the Department of Planning and Building.

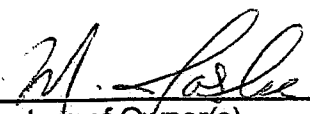
**Monitoring:** A report shall be submitted by the consulting acoustical engineer. Compliance will be verified by the Department of Planning and Building.

*The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.*

  
\_\_\_\_\_  
Signature of Owner(s)

9-16-05  
Date

Name of Owner - Print – Ken Lear, Jr.  
Director, Planning, Design & Construction

  
\_\_\_\_\_  
Signature of Owner(s)

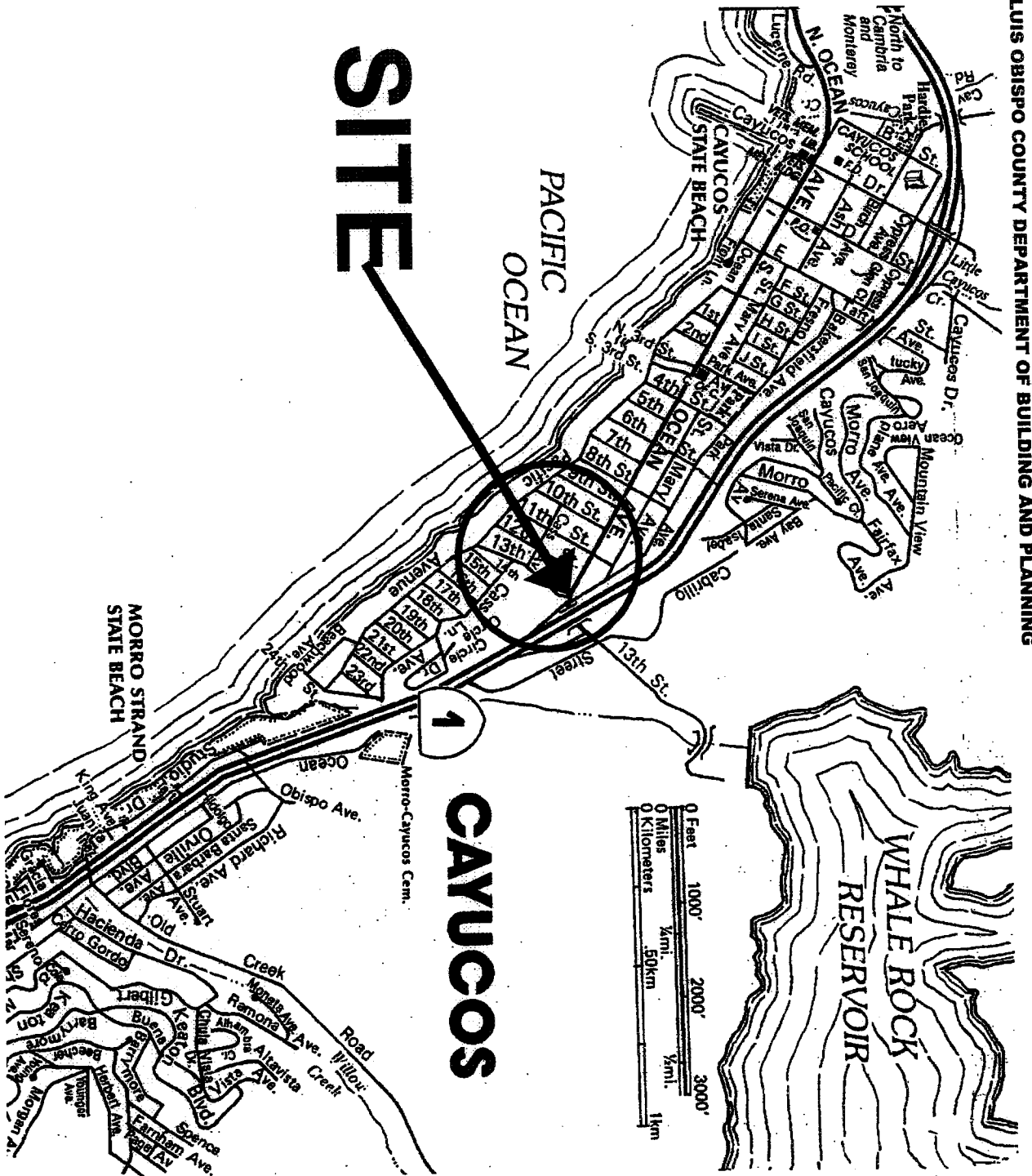
9-22-05  
Date

Name of Owner - Print – Mark G. Joske  
General Manager – LFO-IN, North & Radio

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C-73

PROJECT

Conditional Use Permit  
SBC DRC2004-00060



EXHIBIT

Vicinity Map

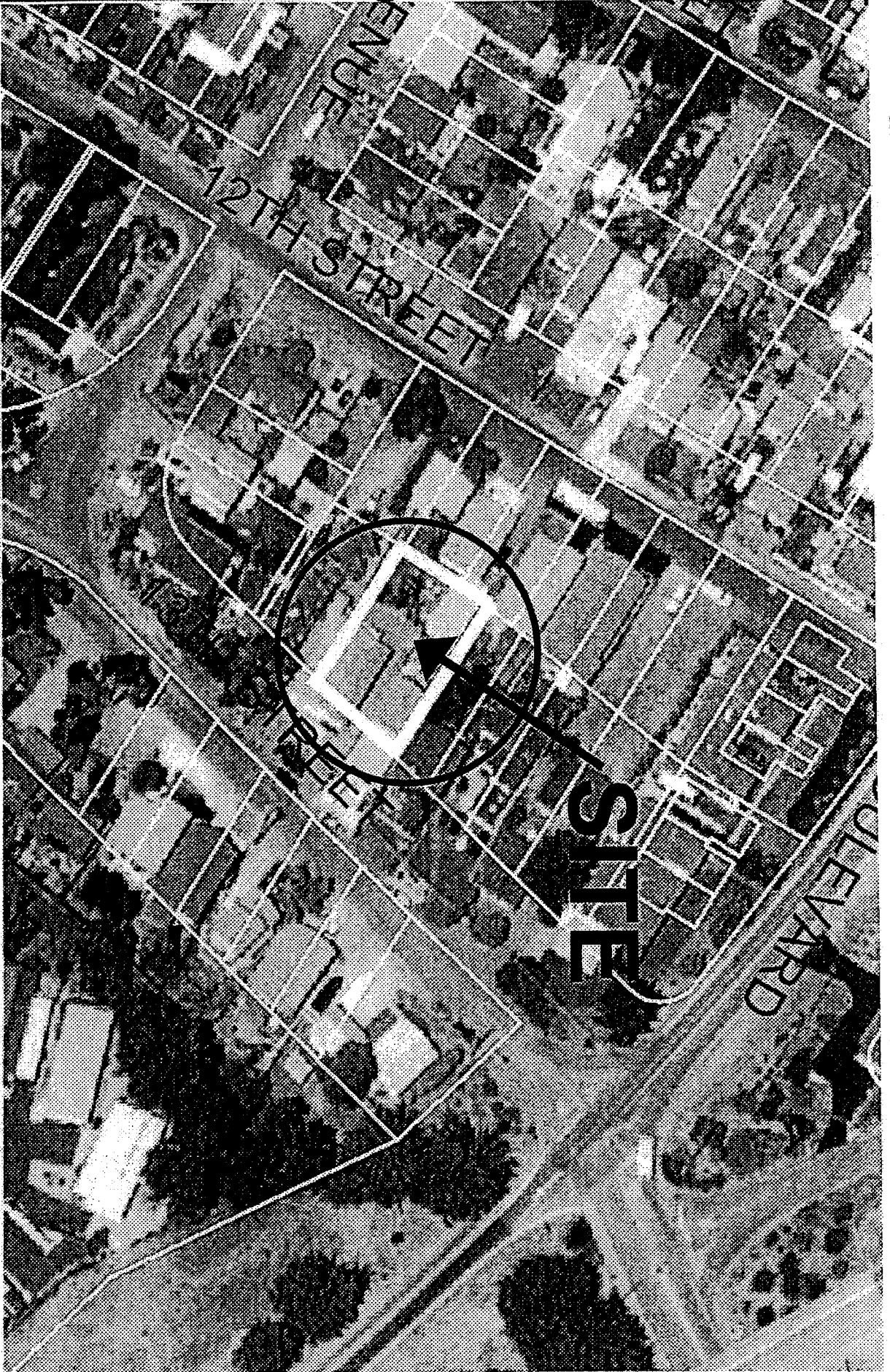


**Conditional Use Permit**  
**SBC DRC2004-00060**



## Land Use Category Map

2-59



PROJECT

Conditional Use Permit  
SBC DRC2004-00060

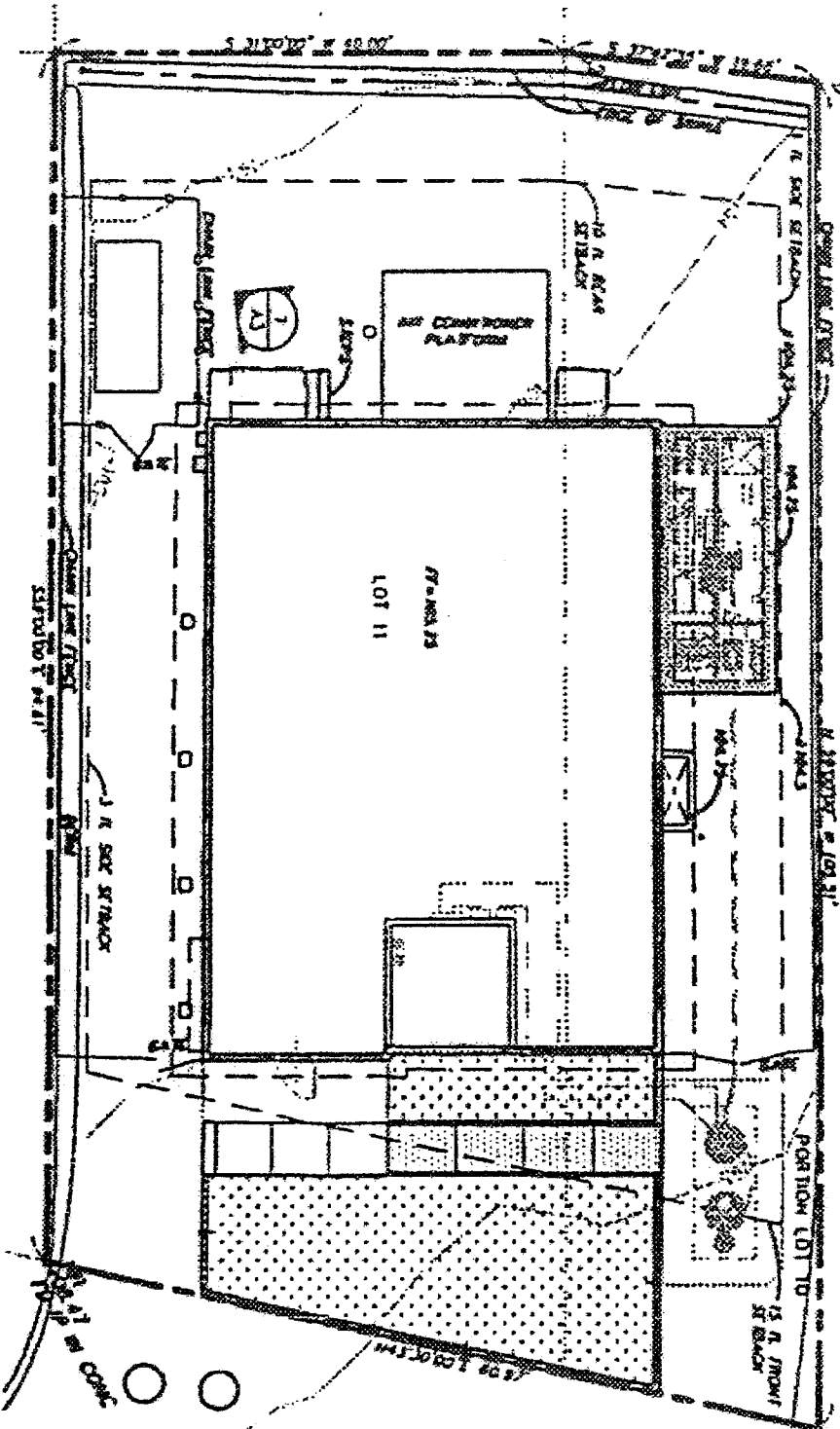


EXHIBIT

Vicinity Map

C-465

2-60



EXISTING SITE PLAN

NOT TO SCALE

PROJECT

Conditional Use Permit  
SBC DRC2004-00060

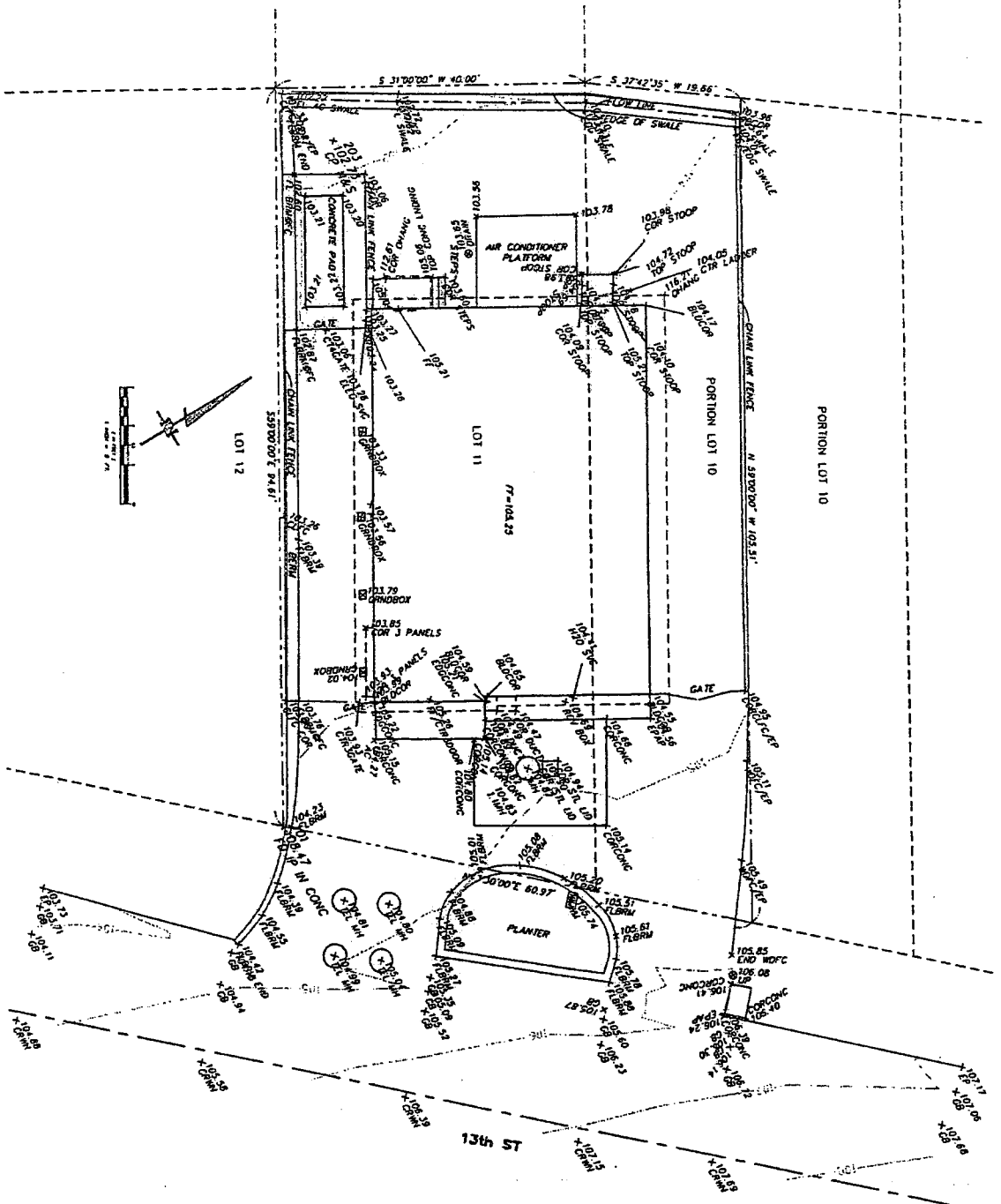
EXHIBIT

Existing Site



CH 20

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PROJECT

Conditional Use Permit  
SBC DRC2004-00060

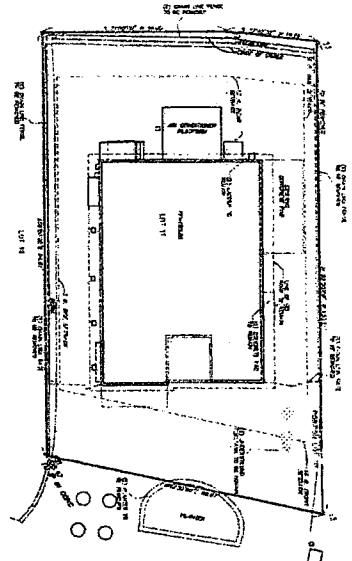


EXHIBIT

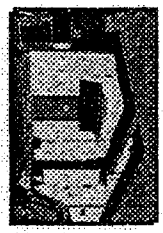
Electrical Upgrade & Site Improvement

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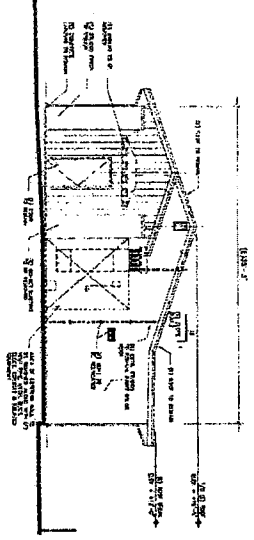
1 EXISTING SITE PLAN



2 EXISTING FRONT - SOUTH-EAST



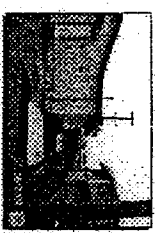
3 EXISTING FRONT - SOUTH-EAST



4 EXISTING EAST ELEVATION



5 EXISTING FRONT - NORTH-EAST



6 EXISTING FRONT - NORTH-EAST

|                                      |  |
|--------------------------------------|--|
| <b>CW/A</b>                          |  |
| San Luis Obispo County               |  |
| Department of Building and Planning  |  |
| 1000 N. Santa Rosa Street, Suite 200 |  |
| San Luis Obispo, CA 93401            |  |
| Tel: (805) 781-1000                  |  |
| Fax: (805) 781-1001                  |  |
| www.slo-county.gov                   |  |
| Project No. 2004-00060               |  |
| Drawing No. 1                        |  |
| Scale: 1/4" = 1'-0"                  |  |
| Date: 01-10-04                       |  |
| By: [Signature]                      |  |
| Check: [Signature]                   |  |
| Title: [Signature]                   |  |
| Project Manager: [Signature]         |  |
| City Engineer: [Signature]           |  |
| County Engineer: [Signature]         |  |

PROJECT

Conditional Use Permit  
SBC DRC2004-00060

EXHIBIT

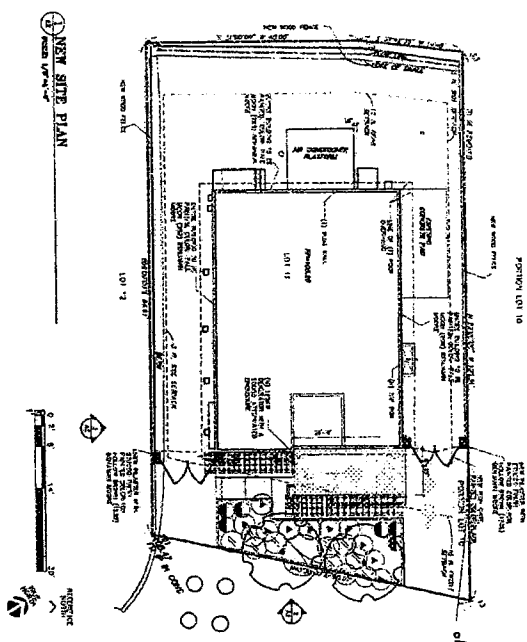
Existing site Plan and Elevations



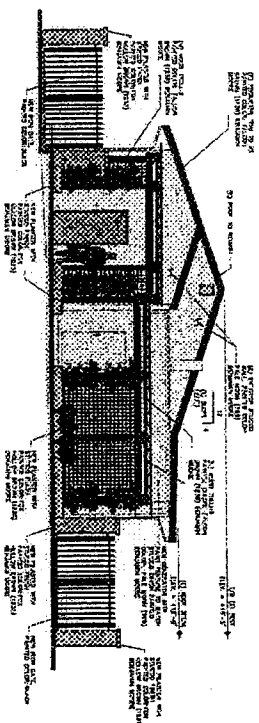
**Conditional Use Permit**  
**SBC DRC2004-00060**



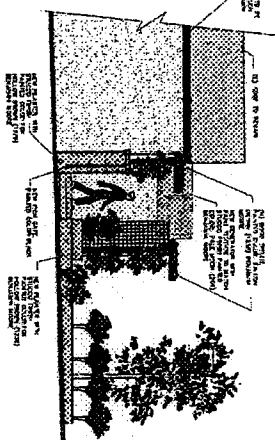
## Proposed site Plan and Elevations



1  
1/2" NEW SITE PLAN



2. PROPOSED EAST ELEVATION



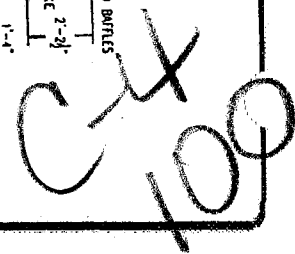
3 PROPOSED PARTIAL SOUTH ELEVATION  
SCALE 1/8" = 1'-0"

[illegible]

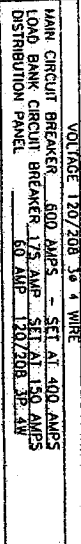
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ca

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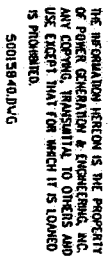
1. MODES ALUMINUM, 13 GAUGE STEEL, 304 STAINLESS STEEL.
2. WILL HAVE STAINLESS STEEL DOOR HINGERS WITH BRONZE THRU-BOLT WASHERS. SHALL CLOSE WITH 3-PT CLOSING HANDLE.
3. DOOR WILL HAVE 3 POINT TWO LOCKABLE STEEL HANDLES.
4. WILL HAVE 24X48 / 3 STEP OF MAXIMUM LOAD BASK.
5. WILL USE CHAMBERS RCMA 8.3-02 ENJOINT.
6. WILL USE REVERSE STAIRDOWN CEILING/FLOOR.
7. ENCLOSURE MUST BE FLAT ON CONCRETE SLAB TO MEET SOUND LEVEL.
8. APPROPRIATE WEIGHT: 24,500 POUNDS DRY.
9. 6" TO 10" SOUND INSULATION ON INNER WALLS.
10. FINISHED WITH PREPARED WETTED ALUMINUM SHEETING FASTENED IN PLACE BY PIVOT WELDED FASTENERS.
11. SOUND LEVEL OF THE ENCLOSURE WILL BE 45 DBA AT PROPERTY LINE.
12. ELEVATION INFORMATION.
13. (2) 5" CONDUIT W/ 4 - 500 CABLES W/ 44 GROUND (1 FOR COMMERCIAL, 1 FOR LOAD)
14. (1) 3/4" CONDUIT W/ PULL STRING FOR ALARM CABLE
15. (1) 3/4" CONDUIT FOR ALARM CABLE
16. (1) 3/4" CONDUIT FOR TTS-350 IP SENSORS ARE BROUGHT INTO THE BUILDING
17. (1) 3/4" CONDUIT SPINE



**-THIS SIDE AGAINST  
THE BUILDING**



## END VIEW



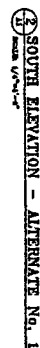
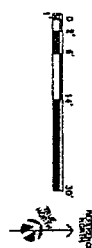
50015840.DWG

## Conditional Use Permit

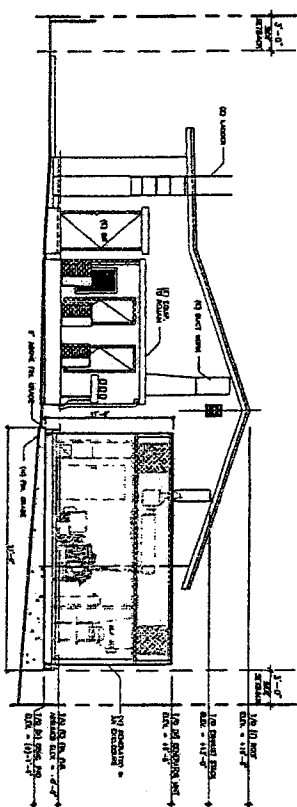
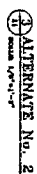
SBC DRC2004-00060

# Generator





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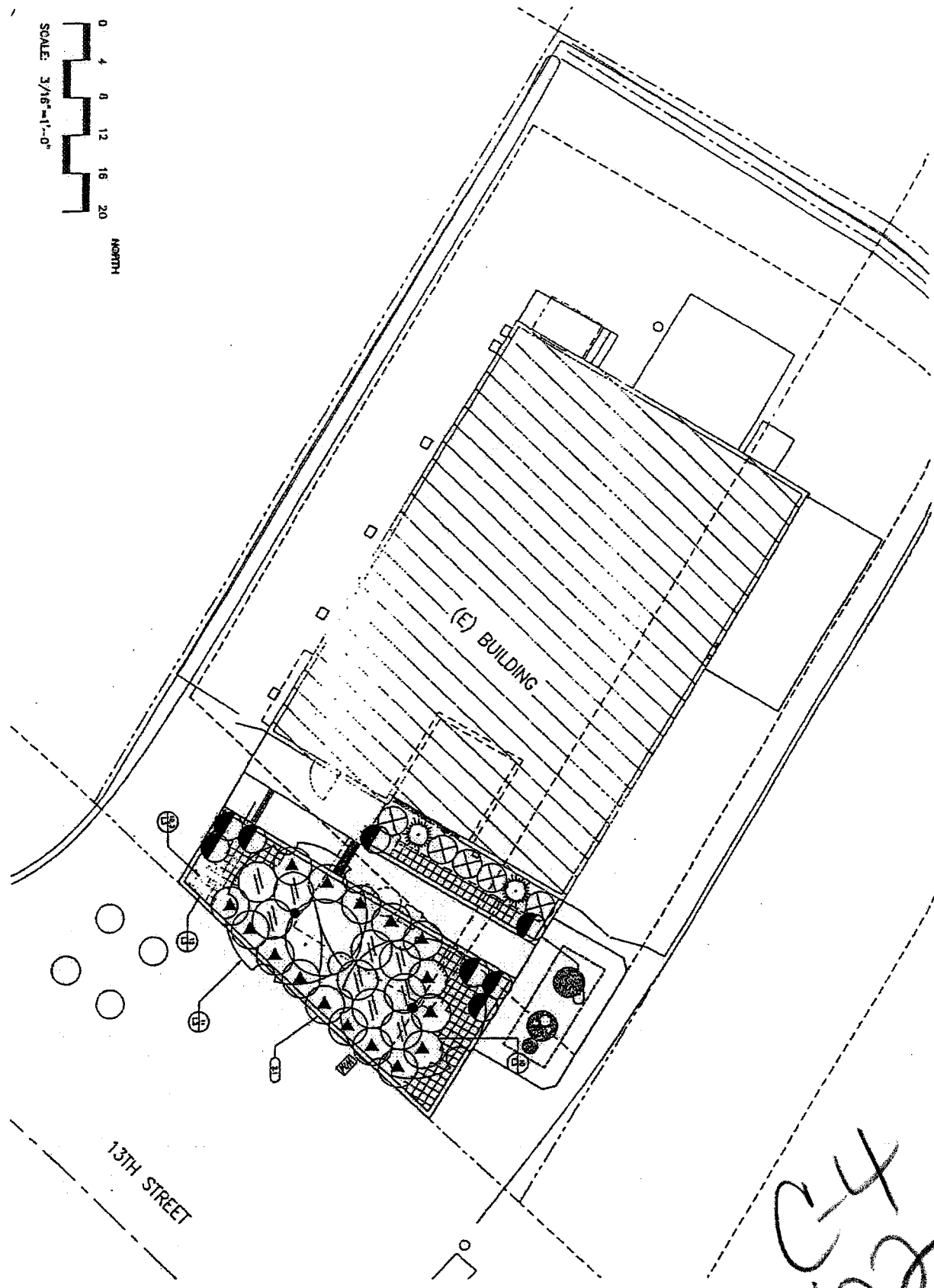
4 WEST ELEVATION - ALTERNATE NO. 2

**Conditional Use Permit**  
**SBC DRC2004-00060**



## Original Alternatives submitted by applicant

2-66



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PROJECT

Conditional Use Permit  
SBC DRC2004-00060



EXHIBIT

Landscape Plan

267

# Cayucos

## Land Use Committee

### Second Referral Report

#### MEMO

TO: Kerry O'Neill

FROM: Mary Ann Carnegie 995-3659 or email ecarnegi@calpoly.edu

DATE: 08/22/05

RE: Pacific Telephone/SBC Generator DRC2004-00060  
65 13<sup>th</sup> St [064-163-016]

This is a second follow-up report for the SBC 13<sup>th</sup> St. generator project, and likewise follows up from it being brought before the full Advisory Council on Wed. August 1. Representatives from SBC, as well as several concerned neighbors and community members were present at both the LUC Mtg in June of 2005, where additional concerns were presented at then followed up with another presentation at the August 1 CCAC Mtg.. Original concerns for the project stemmed from installation of a quick, temporary fix, without any notification to neighbors/community last year.

This project ( consists of a home, housing a switching facility for SBC telephone equipment—located in a fully developed residential neighborhood) is requesting to do a relocation of its emergency generator, to upgrade the underground fuel storage tank, provide a new main house service panel, and to do new landscaping in the front of the "house". SBC originally provided three different options for the neighbors and the community to consider, as well as provided requested information to questions on the project that arose at previous meetings. The meetings that took place brought out several concerns, served to answer many questions, and provided general information to educate all for both the community's concerns for those living in close proximity to the project, and for SBC's needs, standards, limitations and goals for providing emergency communication backup to the community. Compromises and agreements after many discussions were eventually met and the project was voted on to move forward, however with certain conditions in place based on various concerns.

#### Concerns

Because this facility greatly affects the surrounding neighbors, and is in the sensitive small scale neighborhood many valid concerns by neighbors were brought up by several in attendance to the meetings.. Representatives from SBC were also in attendance and helped address various concerns from the company's perspective. Concerns and requests by the community were as follows:

- the project is to meet the strictest requirements set by the CA Public Utilities Commission for rules and regulations for such a facility

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- the proposed project will be closely monitored and coordinated with the County Environmental Coordinator
- neighbors had requested to have a list of communities that may have such a facility in SFR neighborhoods—SBC could not provide any examples of nearby neighborhoods or contacts for the concerned neighbors
- standards for the both the interior and exterior noise levels are to be met, and maintained. The standards for how the noise is to be measured is to be established to provide the least amount of excessive noises to the surrounding neighbors. Noise levels are not to interfere with sleep, communication, relaxation, and the full enjoyment of the surrounding properties
  - It was generally asked as to what is the current dB level? And what is that equivalent to? An example of the actual noise level was requested in order to better relate to the correct level. Currently thought to be designed at 50dB at the property line, however can this be engineered to be less or hardly be audible at all? At the CCAC Mtg. Personnel did not bring in actual example of noise level with dB meter, as had been requested, but said actual noise would be at the level of normal conversation and was allowed to be one dB over ambient noise level—ambient being 54 dB supposedly. [concern is that neighbors approx 50-75ft. away can hear the current facility. If the dB level is determined based on lot size—is this acceptable for being in a SFR neighborhood and why can't more stringent levels be enforced? Hopefully the newer facility will be much quieter-SBC said the newer facility would be] the concern was to have the ambient noise level strictly enforced.
  - operating times of the facility can be negotiated by the neighbors, i.e. once a month, when and for how long? Was mentioned that it could be coordinated with trash pick-up day since this is the noisiest measured day of the week for this area.
- the proposed project is not to adversely affect the value of surrounding real properties; in fact, the new facility would hopefully maintain or even improve property values through its improvements and adherence to regulations. This was a very real and major concern by all surrounding properties. To maintain the property, and surrounding property values, the following concerns were then mentioned
  - the facility would be maintained—paint, landscape, noise, fumes, etc.; blight would not be tolerated at any time
  - a list for contacts for repairs, maintenance, general questions for issues that may arise on this project during construction and for its upkeep afterwards would be made available to the neighbors for both SBC contacts, and/or county personnel
- Is there usually a larger buffer zone than the 3ft. setback for SFR neighborhoods, how can the dB levels be dwindled, as well as the structures for viewing in such close proximity to homes, backyards be minimized or improved upon? SBC considered three locations for the generator—front, side and back and thought with moving the facility further forward into the front setback, some of the major concerns would be removed for the neighbor in back. However, a variance to the front setback would then need to be requested. It was thought this would be an acceptable compromise to offer some relief to the neighbors, but would not be a project to set precedence or exception to the setback rule for other projects. This particular project also has minimal traffic or parking to cause further impact with the front setback exception. Also does, or will the proposed project cross over into any private or public lands, right-aways and if so how will those areas be addressed in the way of maintenance, etc.?

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- concerns were also greatly expressed over the diesel fumes that will be generated from the pump—how will these be minimized? All odors, fumes should not emit matter causing noxious odors that would be perceptible to the surrounding residences. Strictest standards for the equipment should be enforced and maintained and shall meet Air Pollution Control District Standards as well as regularly scheduled Reviews where reports will be available for the public to review.
- any and all hazardous wastes were not to accumulate on this site; concerns were “What are the wastes and are they hazardous?” SBC said they were not, but had to be marked as such. Neighbors and community requested to have them always removed in a timely matter and noted that they not be allowed to accumulate or stackup on the property at any time
- another concern was, is such an increase in the size of the facility actually needed for the projected limited future growth of Cayucos? [I.e. validation for the unit and its proposed capacity, size] SBC was to look at the next 10 years and compare to see if they have realistically evaluated the needs of a developed and older population. The reports though really unclear showed this based on what their standards are. However, statistics can always show anything one wants them to indicate—but based on technology, its future, DSL, cell phones. Etc. it probably is warranted.
- last and foremost was that the neighbors in attendance wanted SBC to find out first if an alternate site was ever even considered? Where, and then would it even be acceptable? AND could the facility’s equipment be placed underground to buffer the sounds even more? All of these possible alternative solutions were not at all feasible per SBC. The project is needed for emergency services, backup and communication. Though surrounding neighbors would obviously prefer the project would not be located near them this is not feasible at this time. Originally when located here in the 1960’s it was on, centrally located for Cayucos proper, but probably on the outskirts of town, and not in as densely inhabited neighborhood as now. However, the concerns are real and should be met to satisfy the current neighbors as much as possible to not hinder their property value or healthy living conditions.

These concerns were presented and fully addressed by SBC representatives at the August 1, CCAC Advisory Council. The motion was made, seconded and approved unanimously to recommend approval of the SBC project with all of the concerns being addressed in the conditions of approval, AND that after the environmental study is completed and the project goes for public hearing—notice for the hearing will go out to notify all residences within a 500ft. radius of proposed site.

Respectfully Submitted,

Mary Ann Carnegie  
Chair, Land Use Committee  
Cayucos Citizens Advisory Council

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105

2-70

# Cayucos

## Land Use Committee

### MEMO

TO: Kerry O'Neill ✓  
FROM: Mary Ann Carnegie *MA* 995-3659 or email [ecarnegi@calpoly.edu](mailto:ecarnegi@calpoly.edu)  
DATE: 11/05/04  
RE: Pacific Telephone/SBC Generator  
65 13<sup>th</sup> St [064-163-016] DRC2004-00060

This is as a follow-up from the project coming before the full Advisory Council earlier in the year from concerned neighbors who were apparently never notified of the actions taking place at the time on this project. It was per that meeting that any further action on this project would be brought to the Land Use Committee for discussion/action.

This project (a home housing switching facility for SBC telephone) is now requesting to do a relocation of its emergency generator, upgrade the underground fuel storage tank, provide a new main house service panel, and do new landscaping in the front of the "house". SBC has provided three different options for the neighbors and the community to consider.

#### Concerns:

Because this facility greatly affects the surrounding neighbors, and is in the sensitive small scale neighborhood community many of the neighbors voiced many valid concerns. Consequently they were invited to participate in the discussion. A representative for SBC, Mr. Felix Rodriguez, architect and Sr. VP of GWA was also invited to attend and to answer any questions and/or concerns. Some of those are as follows:

- What is the current dB level? Though currently designed at 50dB at the property line, can this be engineered to be less for the concerns of the neighbors and to hardly be audible at all?
- Operating time can be negotiated by the neighbors, i.e. once a month, when and how long?
- A real concern is that currently neighbors approx 50-75ft. away hear it all the time. If the dB level is determined based on lot size—is this acceptable for being in a SFR neighborhood and why can't more stringent levels be enforced?
- Everyone's major concern was for the devaluation of their property. How can and will this be eliminated for them, with this project, and looking into the future. For example, what else might occur in the future with this facility to cause further property concerns?
- How many communities have such a facility in such close proximity to SFR? Would really like to have addresses of local sites to go and see, discuss with neighbors—contacts would be appreciated.
- Is there usually a larger buffer zone than the 3ft. setback for SFR neighborhoods? How can the dB levels be dwindled? As well as how can the structures in such close proximity to homes, backyards be minimized or improved upon? Visual impacts are actual eyesores.

RECEIVED

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2-7/

- Concerns were expressed over the diesel fumes that will be given off from the generator—how will this be minimized
- Last and foremost, was that the neighbors in attendance wanted Mr. Rodriguez to find out first if there would be an alternate site considered? Where this would be and if this would be acceptable? He said he would check into this and get back, but that this would be highly unlikely, but as a concern, would not leave it unanswered for the neighbors. Consequently, this was placed on an information hold until these questions could be reviewed and answered in greater detail for all concerned.

**Recommendations:**

**The project as is was not approved by the committee and was placed on hold for further information.** The committee will wait to hear further from Mr. Rodriguez via the County Planner, regarding the above concerns, other possible options [i.e. re-location] and/or then to consider the details of the options put forth in greater detail and requests by surrounding neighbors and the community.

Respectfully Submitted,

*Mary Ann Carnegie*

Mary Ann Carnegie  
Chair, Land Use Committee

C24  
10/7

2-72  
KO

11



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

## THIS IS A NEW PROJECT REFERRAL

DATE: 9/17/04  
TO: Cay FPD  
FROM: Coastal Team  
(Please direct response to the above)

Pacific Telephone / SBC  
DRC 2004-00060  
Project Name and Number

Development Review Section (Phone: 781- 788-2009) ( )

PROJECT DESCRIPTION: CUP/Dev. Plan. SBC -> relocation of emergency generator off 13th & Hwy. 1, approx. 1 to 2 block west of the coastline. PG & E powered / SBC equipment. Located in Cayucos. See site plans...

Return this letter with your comments attached no later than: 10/1/04

**PART I** IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?  
X YES (Please go on to Part II)  
NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

**PART II** ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?  
NO (Please go on to Part III)  
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

**PART III** INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Generator Enclosure need built-in fire protection & monitoring system.

9-28-04  
Date

Victor Holanda Bill Rapke  
Name

995-3372  
Phone

C-4  
108





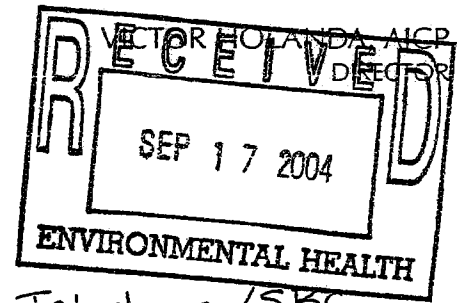
2-73

KV

11

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE:

9/17/04

TO:

Env. Health

FROM:

Coastal Team

(Please direct response to the above)

Pacific Telephone / SBC

DRC 2004-00060

Project Name and Number

Development Review Section (Phone: 781-788-2009) ( )

PROJECT DESCRIPTION: CUP/Dev. Plan. SBC -> relocation of emergency generator. Off 13th & Hwy. 1, approx. 1 to 2 block west of the coastline. PG & E powered / SBC equipment. Located in Cayucos. See site plans...

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\_\_\_\_ YES (Please go on to Part II)  
\_\_\_\_ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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\_\_\_\_ NO (Please go on to Part III)  
\_\_\_\_ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

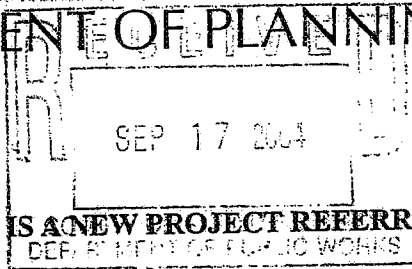
**PART III** INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please provide updated hazardous materials business plan for new location to the Hazardous Material Section within this office. Supervisor = Jeff Poel 781-5544

10/1/04  
DateL. Salo  
Name781-5551  
Phone



KD 2-74 11  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING



VICTOR HOLANDA, AIC.  
DIRECTOR

DATE:

9/17/04

FROM

PW

FROM  
TO

Coastal Team

(Please direct response to the above)

Pacific Telephone / SBC

DRC 2004-00060

Project Name and Number

Development Review Section (Phone: 781-788-2009) ( )

PROJECT DESCRIPTION: CUP/Dev. Plan. SBC -> relocation of emergency generator off 13th & Hwy. 1, approx. 1 to 2 block west of the coastline. PG & E powered / SBC equipment. Located in Cayucos. See site plans...

Return this letter with your comments attached no later than: 10/1/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval - No Concerns

07 Oct 2004  
Date

Goodman  
Name

5252  
Phone

November 8, 2005

Ms. Kerry Brown, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

RE: Public hearing regarding the development of a new SBC emergency generator in  
Cayucos - County File Nos. DRC2004-00060 and DRC2005-00041

Dear Ms. Brown,

I am writing as a representative of my aunt, Eldora Triguero, who resides at 68 12<sup>th</sup> Street, Cayucos (APN 064-163-009). This letter is in regards to SBC's plans to build a new emergency generator at 65 13<sup>th</sup> Street, directly behind Eldora's residence.

SBC's building resides on a lot consisting mostly of asphalt. On that lot there exists a drainage trench in the asphalt along the northerly fence that borders Eldora's residence. During rainstorms, runoff enters an existing phone company utility easement that runs along the rear yards of homes bordering 12<sup>th</sup> and 13<sup>th</sup> Streets. This runoff becomes channeled when it reaches the SBC drainage trench, and then it outfalls into Eldora's back yard, as well as the yard to her south (62 12<sup>th</sup> Street). Please see the attached schematic and photographs.

During a heavy storm on March 18, 2005, runoff that was channeled through the SBC property flooded the second unit on Eldora's property, causing over \$1000 in initial clean up costs.

When SBC was approached regarding compensation for damages, the phone company's representative, Cynthia Warner, stated that this runoff path is a natural drainage condition, thus no recompense would be made.

From my experience as a civil engineer who works with a Northern California water agency, runoff has the tendency to increase directly with increased upstream development. In essence, the natural drainage path along this easement can no longer carry its historical runoff without causing damage downstream as it becomes channeled in the SBC trench, as was the case on March 18<sup>th</sup>.

In the California Supreme Court case Locklin v. City of LaFayette (1994), the Court held, "When alterations or improvements on upstream property discharge an increased volume of surface water into a natural watercourse, the increased volume and/or velocity of the

stream waters or the method of discharge into the watercourse causes downstream property damage, a public entity, as a property owner, may be liable for that damage.”

On my aunt's behalf, and as her representative, I formally and conditionally reject SBC's request for installation of a generator on their site. Since this new building will serve to add to the already existing drainage problem, I ask that SBC discontinue their development request, mitigate the existing drainage problem (by means a sump pump, or some other form of storm drain improvement) and reimburse Eldora Triguero for her expenses incurred.

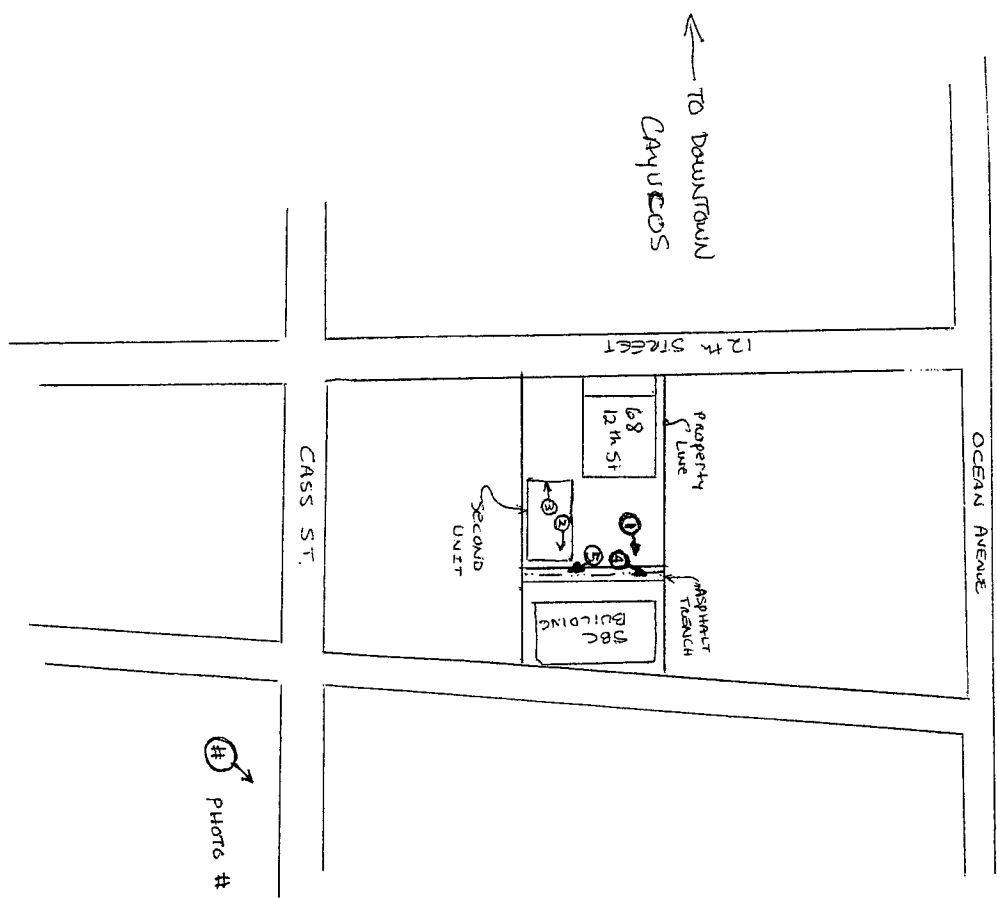
Thank you,

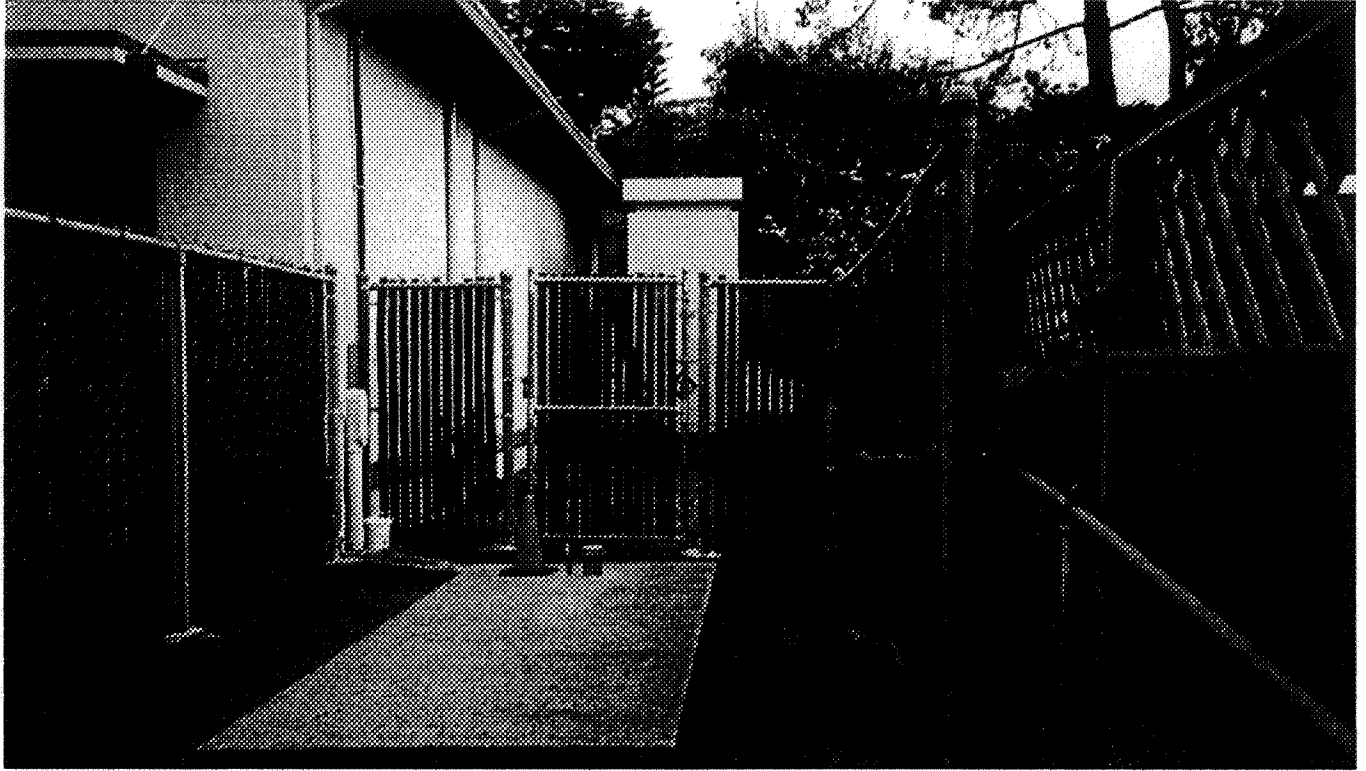
Karen Sullivan  
(707)527-1747  
1605 Range Avenue  
Santa Rosa, CA 95401

C-4  
11/2

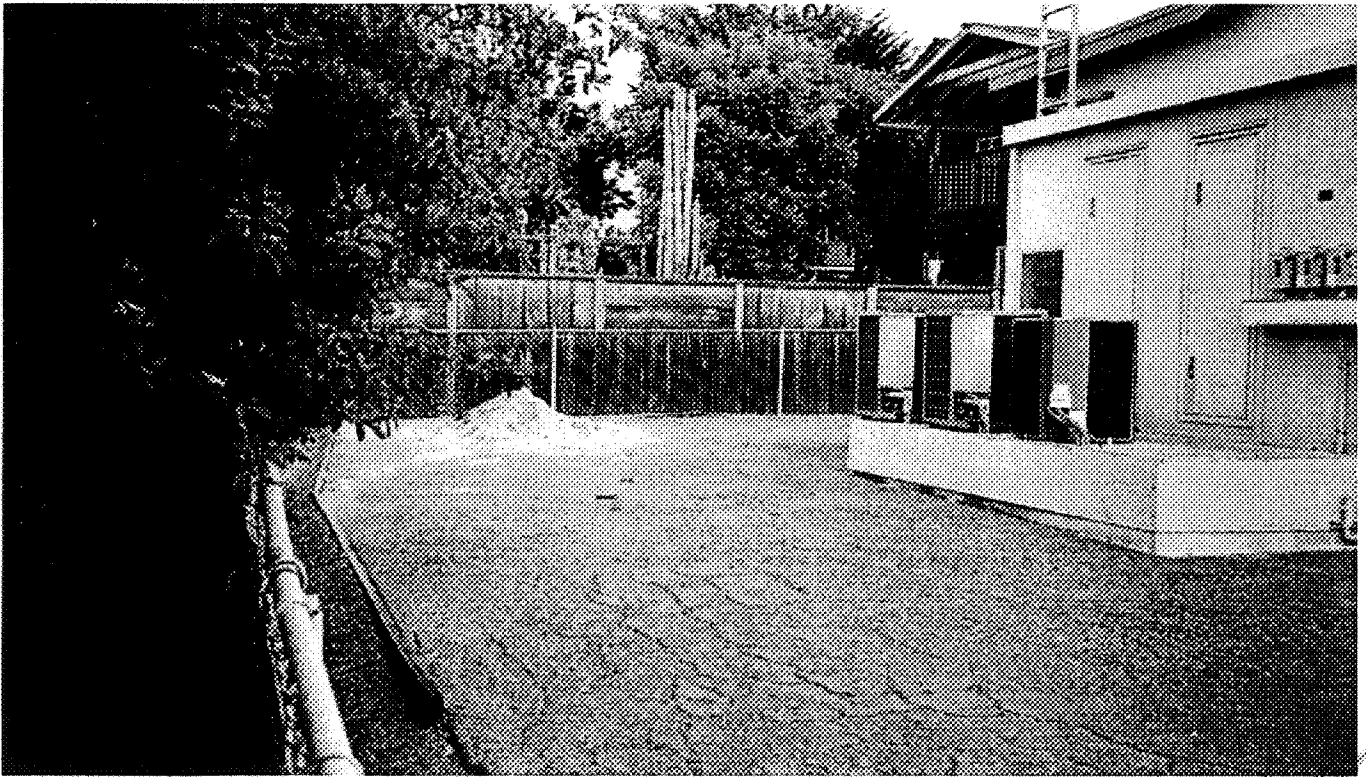


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113





**Figure 4**



• **Figure 5**

C-4  
1/14

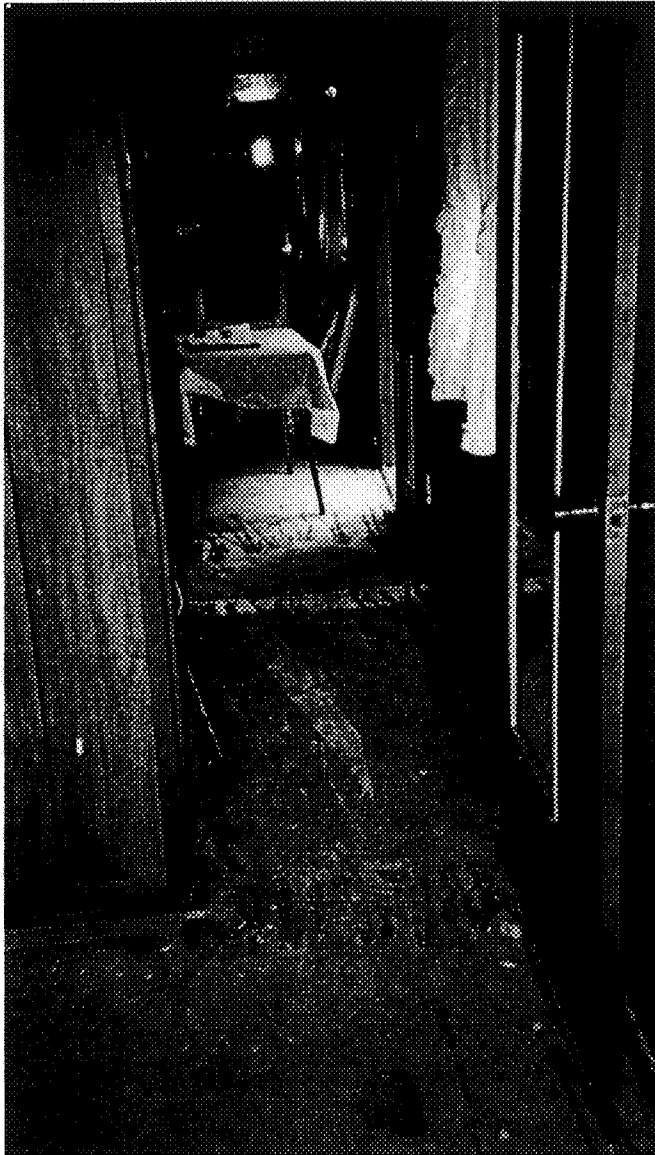


**Figure 1**



**Figure 2**

C4  
115



**Figure 3**

C4  
1/16



11-28-05

Attn: Kerry Brown

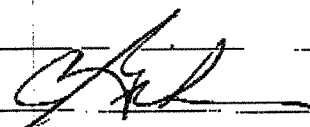
Project Manager, S.L.D. Co. Planning &amp; building

Total 3 Pages

Petition of Residents Opposition  
of SBC generator project at 65 13<sup>th</sup> St.  
Cayucos.

IN LIEU OF PRESENCE at the 11-30-05  
S.L.D. Co. Planning Commission, public  
hearing, County File Nos: DRC-2004-00060  
and DRC 2005-00041.

More Petitions to Follow

  
Chuck Gillem

CX  
117

# **CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA**

This petition is the voice of the citizens of the Cayucos, California who are in opposition to the SBC generator project at 65 13<sup>th</sup> St. in the community of Cayucos. Specifically, by signing the following petition, I object and oppose the installation of a 125 Kilowatt diesel generator (measuring approximately 21 foot long x 9 foot wide x 11 foot high). Signing of this petition is a declaration of my opposition in lieu of my presence at the 11-30-05, San Luis Obispo Planning Commission, public hearing, County File Nos: DRC 2004-00060 and DRC 2005-00041. SBC has demonstrated total disregard for our community by intending to inflict an adverse effect upon the health, safety, and financial welfare of the inhabitants of this Community. This neighborhood is not an industrial zone. The SBC facility at 65 13<sup>th</sup> St. has outlived it's utility given the surrounding environment.

| Print Name          | Signature               | Date     | Resident Address                  | Phone # (optional) |
|---------------------|-------------------------|----------|-----------------------------------|--------------------|
| 1. JAN LEWIS        | <i>Jan Lewis</i>        | 11/19/05 | 84 13 <sup>th</sup> St. Cayucos   | 995-1255           |
| 2. HANK LEWIS       | <i>Hank Lewis</i>       | 11/19/05 | 84 13 <sup>th</sup> St. "         | 995-1255           |
| 3. Katie Lewis      | <i>Katie Lewis</i>      | 11/19/05 | 84 13 <sup>th</sup> St. Cayucos   | 995-1255           |
| 4. Trip Moss        | <i>Trip Moss</i>        | 11/24/05 | 99 13 <sup>th</sup> Cayucos       | 995-0655           |
| 5. BOWLE JARSON     | <i>Bowle Jarson</i>     | 11/24/05 | 91 - 13 <sup>th</sup> CAYUCOS     | 995-1380           |
| 6. T. Kalani-Jarson | <i>T. Kalani-Jarson</i> | 11/24/05 | 91 - 13 <sup>th</sup> Cayucos     | 995-1380           |
| 7. Esperanza L      | <i>Esperanza L</i>      | 11/24/05 | 76 - 13 <sup>th</sup> Cayucos     | 995-1633           |
| 8. Ed Piercefield   | <i>Ed Piercefield</i>   | 11/25/05 | 63-13 <sup>th</sup> Cayucos       | 995-3417           |
| 9. Anna Piercefield | <i>Anna Piercefield</i> | 11/24/05 | 63 13 <sup>th</sup> St. Cayucos   | 995-3417           |
| 10. Chuck Gillett   | <i>Chuck Gillett</i>    | 11/24/05 | 75 - 13 <sup>th</sup> St. Cayucos | 995-3143           |
| 11. David Linnert   | <i>David Linnert</i>    | 11/24/05 | 15297 Coast Ave, Cayucos          | 995-1584           |
| 12. Delmer Wyle     | <i>Delmer Wyle</i>      | 11/24/05 | 58 12 St CAYUCOS                  | 995-3405           |
| 13. Dan Freeh       | <i>Dan Freeh</i>        | 11/27/05 | 80 13 <sup>th</sup> ST Cayucos    | 995-0933           |
| 14. Taren Freeh     | <i>Taren Freeh</i>      | 11/27/05 | 80 13 <sup>th</sup> ST Cayucos    | 995-0933           |
| 15.                 |                         |          |                                   |                    |
| 16.                 |                         |          |                                   |                    |
| 17.                 |                         |          |                                   |                    |
| 18.                 |                         |          |                                   |                    |

C-118

## CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA

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### ABSENTEE PETITION

Please return this absentee petition by sliding it through the window into the cab of my blue Ford pick-up located at 75 13th Street, or mail it to Chuck Gillem at PO Box 579, Cayucos, CA 93430.

| Print Name       | Signature     | Date     | Resident Address                     | Phone # (optional) |
|------------------|---------------|----------|--------------------------------------|--------------------|
| 1. Sheila Lebbad | Sheila Lebbad | 11-26-05 | non house 70-13th St.<br>45-16th St. | 995-3751           |

## CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13<sup>TH</sup> ST. CAYUCOS, CALIFORNIA

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| Print Name              | Signature       | Date | Resident Address | Phone # (optional) |
|-------------------------|-----------------|------|------------------|--------------------|
| 1. MARIANNE             | E. FRANKLIN     |      |                  | NOV. 24, 2005      |
| 2. Marianne E. Franklin |                 |      |                  |                    |
| 3. 90 12TH              | ST. CAYUCOS, CA |      | 93430            |                    |
| 4. PHONE #              | 995-3458        |      |                  |                    |

Cx  
119

**To: Eleanor Porter, San Luis Obispo Planning Commission**

This letter is my formal notification of opposition to the proposed SBC generator project at 65 13<sup>th</sup> Street, Cayucos, CA. County File Number: DRC2004-00060 and DRC 2005-00041.

I received notice of Public hearing for the aforementioned project on 10-24-05. On 10-25-05 I contacted project manager Kerry Brown with a request for a change of hearing date and time to accommodate attendance for the working citizens residing in the area of the proposed project. The hearing date is scheduled for November 30, 2005 (Wednesday) at 8:45 am. A weekday morning during the holidays is suspiciously non-accommodating to the residents who may wish to attend in opposition. Furthermore, I advised Ms Brown, that I have a pre scheduled engagement out of state at that time and would not be able to attend. I am the homeowner and resident of 21 years, at 75 13<sup>th</sup> Street, directly adjacent to the proposed project. This request was denied due to an apparent lack of schedule openings and the fact that "SBC wants to get the project done."

The following is the basis of my protest of the proposed project:

**HEALTH, SAFETY AND FINANCIAL WELFARE**

13<sup>th</sup> Street and surrounding neighborhoods are extremely quiet and tranquil family neighborhoods not an industrial or commercial zone. The current SBC structure at the 65 13<sup>th</sup> St. site, once a non-assuming building, has been deceptively expanding over recent years. This monstrosity, a 20' long x 9' wide x 11' high, 125-kilowatt diesel powered generator, will without question adversely impact the Health, Safety, and financial welfare of area residents within a significant circumference of the proposed project.

**NOISE POLLUTION**

SBC has stated, that San Luis Obispo County Codes would allow them to install a generator which functions at a noise/loudness level of one decibel (db) over ambient levels. Ambient defined is, surrounding atmosphere. SBC took it upon themselves to measure "ambient" noise levels at 65 13<sup>th</sup>, on a Tuesday, garbage pickup day. On Tuesday's two very large diesel trucks, one for garbage pickup and one for recycle pickup; will be stopped at each corner of the proposed site property for up to five minutes each, going through their various mechanical processes. While in the vicinity of my home the loudness of these truck literally shakes my house. In the absence of these trucks, the loudest thing on 13<sup>th</sup> St. is SBC trucks. It is not curious that SBC would choose this day (Tuesday) to measure the ambient noise level of 13<sup>th</sup> St. It is downright deceitful.

C4  
120

## NOXIOUS FUMES

SBC states, that fumes/emissions from their proposed diesel power plant would meet "strict" EPA guidelines. SBC attempts to give the impression that the diesel fumes from a diesel engine the size of a freight train will be insignificant. Diesel trucks driving down the highway also meet "strict" EPA guidelines. However, if one of these trucks was running in your driveway for three hours, it would be an obnoxious health risk.

## EYE SORE

This generator comes enclosed in a 21' x 9' x 11' metal box resembling a searain used to transport goods across the ocean. This box is an obvious eyesore, which cannot be disguised by trellises and vines as proposed.

## TOXINS

Consider a 1500-gallon underground diesel fuel tank located less than 4' from my property line. Consider the two black 55-gallon drums labeled, **Hazardous waste!** These drums were left at the site for several months and SBC flat out denies they ever existed. Photographs of these drums are part of my collection.

## SBC DECEPTIONS AND INACCURACIES

SBC apparently cannot keep track of their alibis. When construction first started I was told that this generator was needed as emergency power in case of an earthquake. Two things to keep in mind: one, the SBC building is a single story concrete slab building; two there has been an existing generator inside of the building for several years. The existing generator was the size of a medium refrigerator.

Secondly, I was told the generator is needed in case terrorist attack in lieu of the 911 attacks in New York City. SBC quickly abandoned this course.

Thirdly, I was told that the generator is required by Federal Law/mandate. This was apparently difficult to support.

SBC pulled all of the stops at the 8-3-05 Cayucos Advisory Committee when they announced that the generator is to be installed for future growth and development and the generator is above and beyond what is needed. Furthermore, the extra power would be needed to ensure a supply to other telecommunication companies wishing to lease space from SBC. SBC, no doubt, train employees in the skill of deception. In the instant offense the deception would have been need for a 125-kilowatt diesel powered generator smack dab in the middle of a quiet coastal, strictly residential neighborhood. The crew SBC sent obviously missed too many training days. The reason SBC is striving to decimate our neighborhood is purely and simply for profit and the detriment of area residents.

CX  
12/1

## SITE COMPARISONS

Kerry Brown gave me locations of three other SBC generator sites. Per. SBC these sites were comparable and commensurate to the proposed 13<sup>th</sup> St. project. I personally inspected and photographed these locations. Description, comparisons, and approximate dimensions are as follows:

Note: the proposed generator for the 13<sup>th</sup> St. location is approximately 20' long x 9' wide x 11' high with a volume of approximately 1980 cubic feet.

1. 133 San Rafael, Avila Beach.

The generator at this site is significantly smaller than that proposed for 13<sup>th</sup> St. it is 15' x 8' x 10' = 1200 Cubic feet. The generator is tucked away on a sloping lot below the grade of the roadway. The generator is completely surrounded by the SBC structure and thick bushes/trees. This site is very non-assuming and is 15 to 20 yards from the nearest dwelling.

2. 960 Doliver St. Pismo

The generator at this site is similar in size to the Avila Beach generator. The generator fronts on the heavy traffic street of Doliver in a business district. The generator is located on the side of the SBC building opposite the nearest resident at over 30 yards away.

3. 226 W. Dana St. Nipomo

This generator is also significantly smaller, 15' x 8' x 10', and is essentially located in a melon field with no other structures within the vicinity on three sides. The generator is located on the side of the SBC building opposite the nearest residence over 30 yards away.

The generator proposed for the 13<sup>th</sup> St. site is approximately 65% larger than all three generators at these "comparable" SBC sites. Furthermore, the proposed 13<sup>th</sup> St. generator site is 16 feet from my living room!

## ALTERNATIVES

Alternatives suggested to SBC were snubbed and not considered. Recommendations of a smaller inside generator as was the previous situation and/or relocation to an alternate rural or commercial zone were explained away with SBC double talk.

I will not argue SBC's need to remain abreast of technology nor the need for reliable utilities. However, Yahoo! DSL, Dish Networks, and Video telephones are not conveniences, which stir me to extreme sacrifice. 13<sup>th</sup> St. is not the place for SBC to plan it's future. I do not sympathize with SBC's lack of insight regarding the growth plans of this conglomerate.

The SBC structure on 13<sup>th</sup> St. has definitely out lived its utility given the surrounding environment.

### APATHY

There is a growing and distributing trend of apathy towards fighting for your property rights in this County. SBC is attempting to feed off of this apathy. This feeling of indifference is due to the fact that area residents have voiced their objections to this project at four different Cayucos Advisory Committee meetings. Why did we need more than one? The residents develop a feeling of dread when they are fighting SBC and S.L.O. County government. There is a growing feeling that corporate America is steamrolling over individual rights. Is it true that we have no say! The people are not being heard! Is our only recourse to cut our losses and accept SBC's version of an 'aesthetically pleasing' factory in our backyard? If this County is going to practice socialism, why don't you just confiscate our property and be done with it!

SBC's corporation approach towards dealing with the citizenry consistently reinforces the negativity portrayed towards them, which they so magnificently deserve.

### SUMMARY

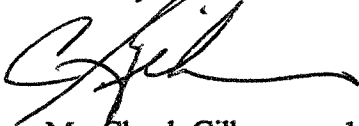
I have fought dearly to keep this home over the past 21 years. I do not live high on the hog. My home and its value is the cornerstone of my financial welfare and retirement security.

I will not let this issue rest! Make no mistake; it infuriates me that our elected officials and paid public employees have not done their jobs to protect the welfare, property rights and the will of the people of this community. I have done your research now do your jobs!

I steadfastly oppose this project! I will additionally supply a petition documenting area residents, who could not attend the 11-30-05 meeting, who are opposed to this project.

The San Luis Obispo County Planning Commission, the area residents, and foremost SBC all know this project is wrong. Do the right thing!

Thank you



Mr. Chuck Gillem      11/17/05  
75 13<sup>th</sup> St. Cayucos  
P.O. Box 579 Cayucos, Ca. 93430

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123

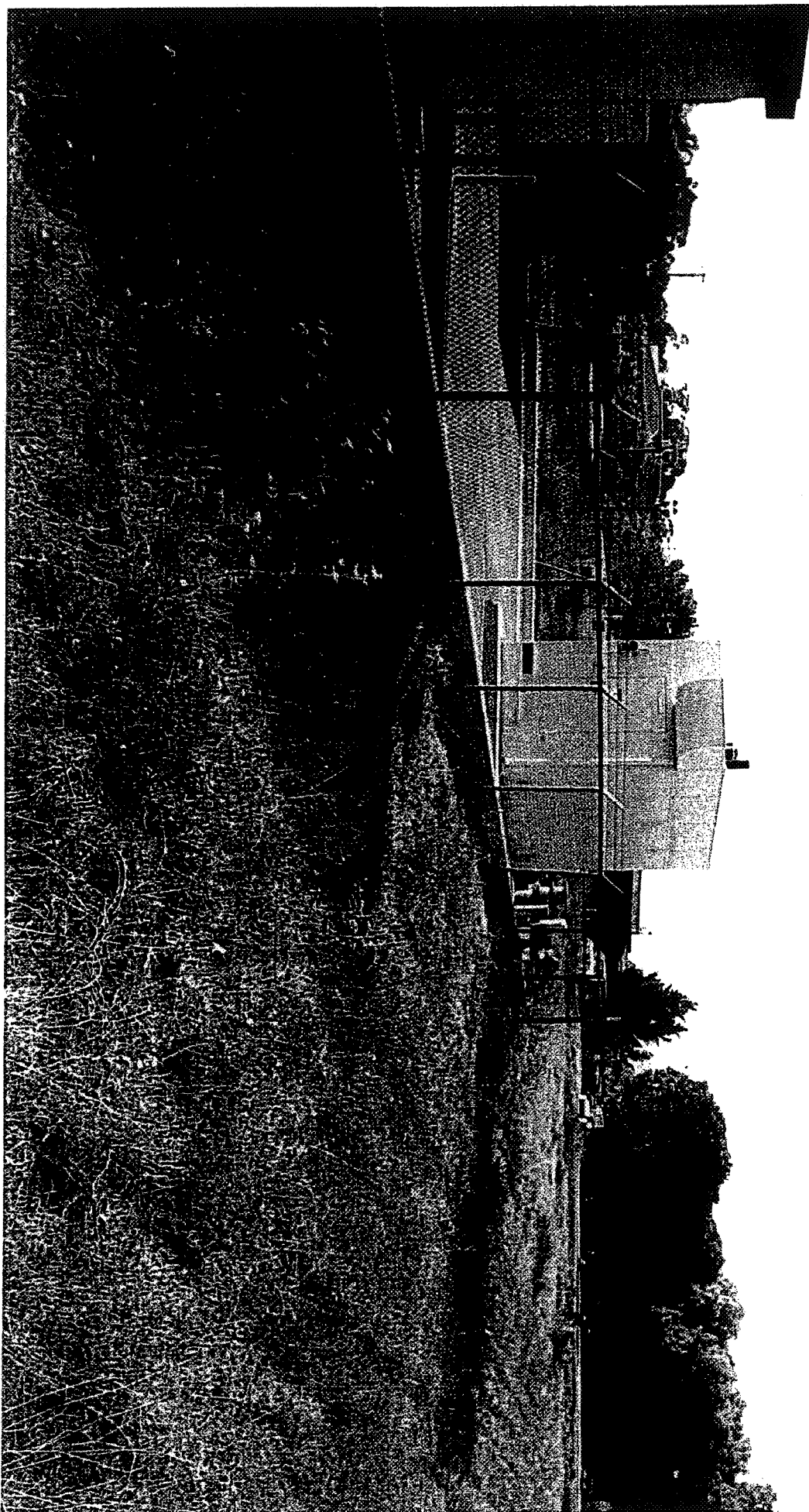




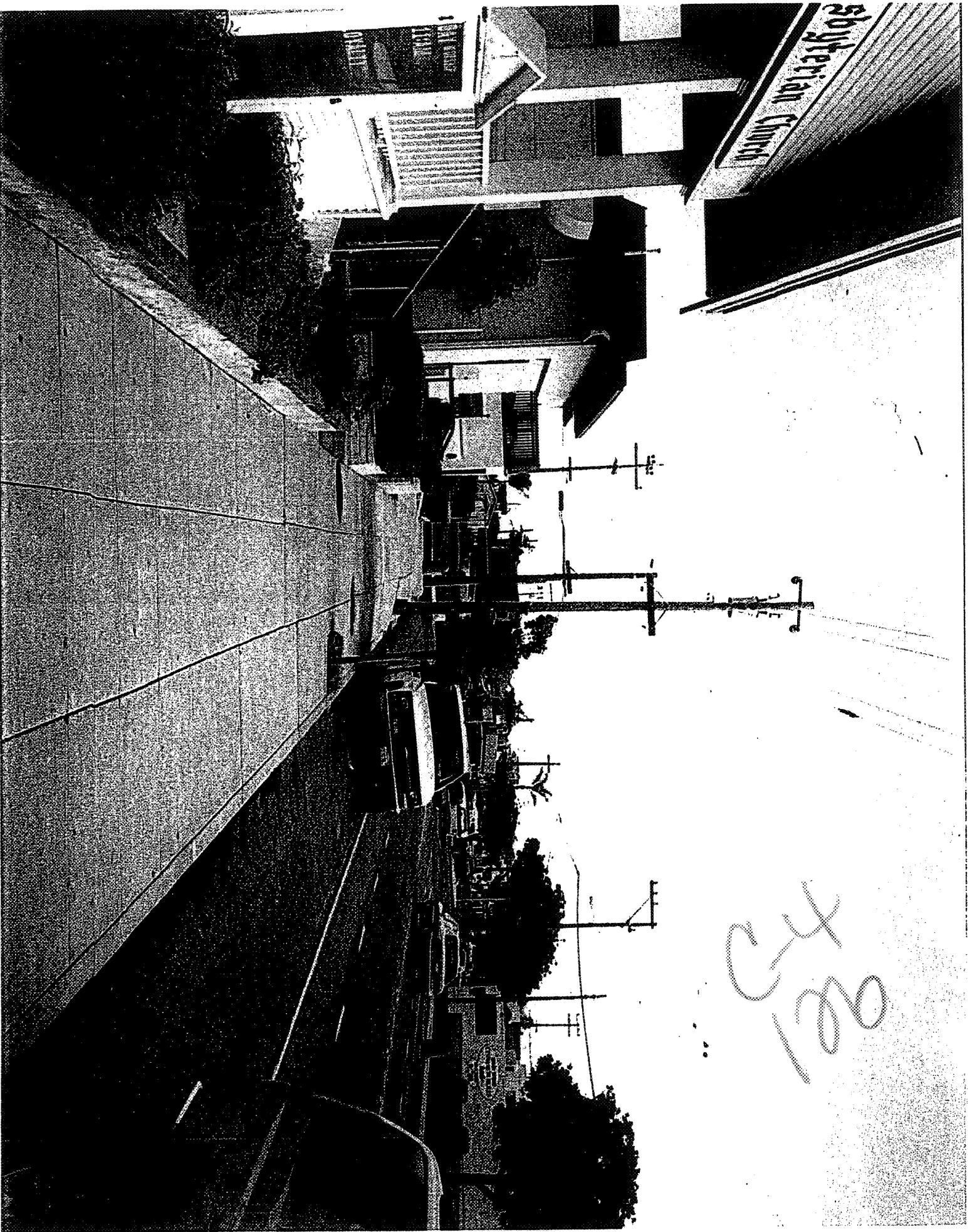
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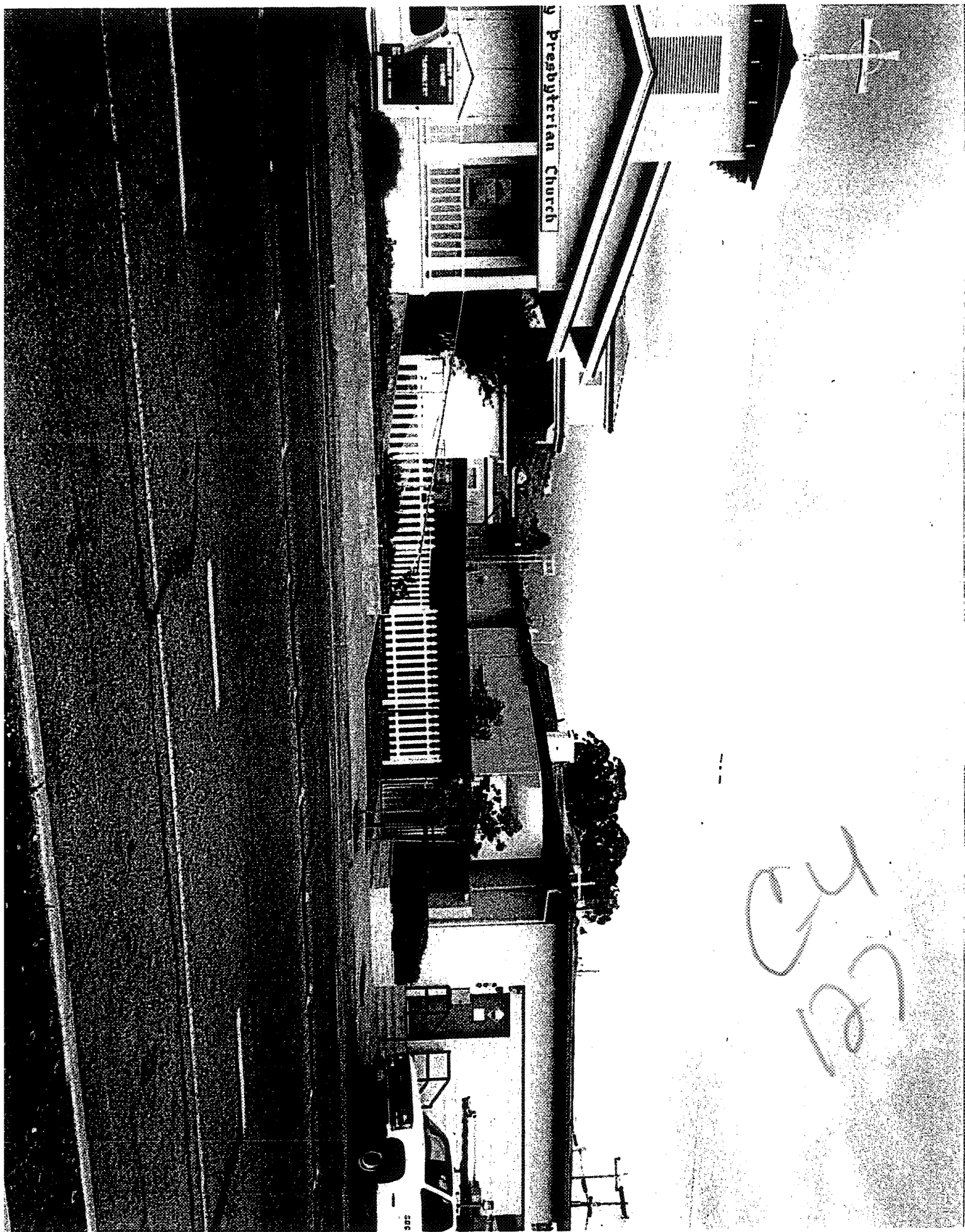




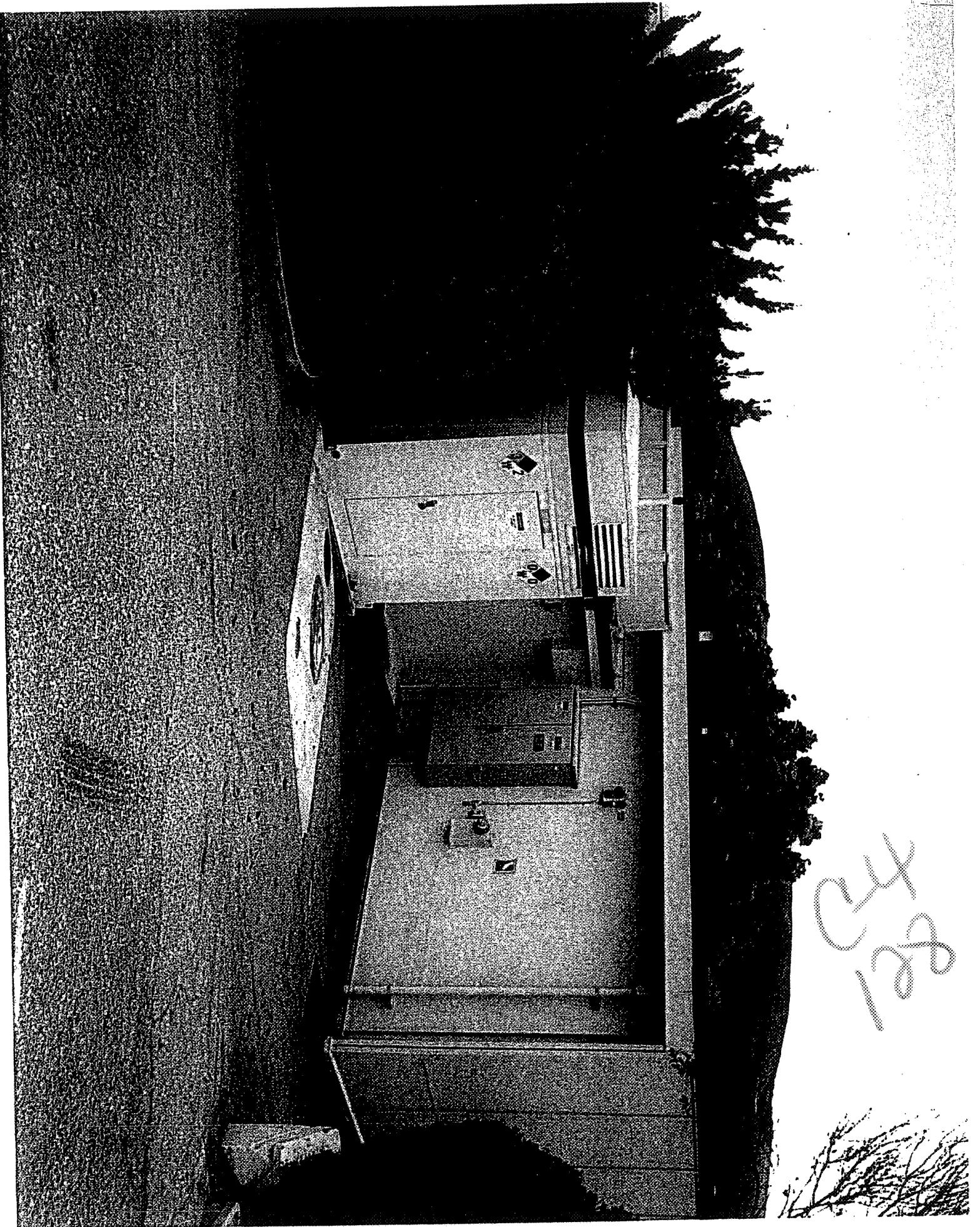
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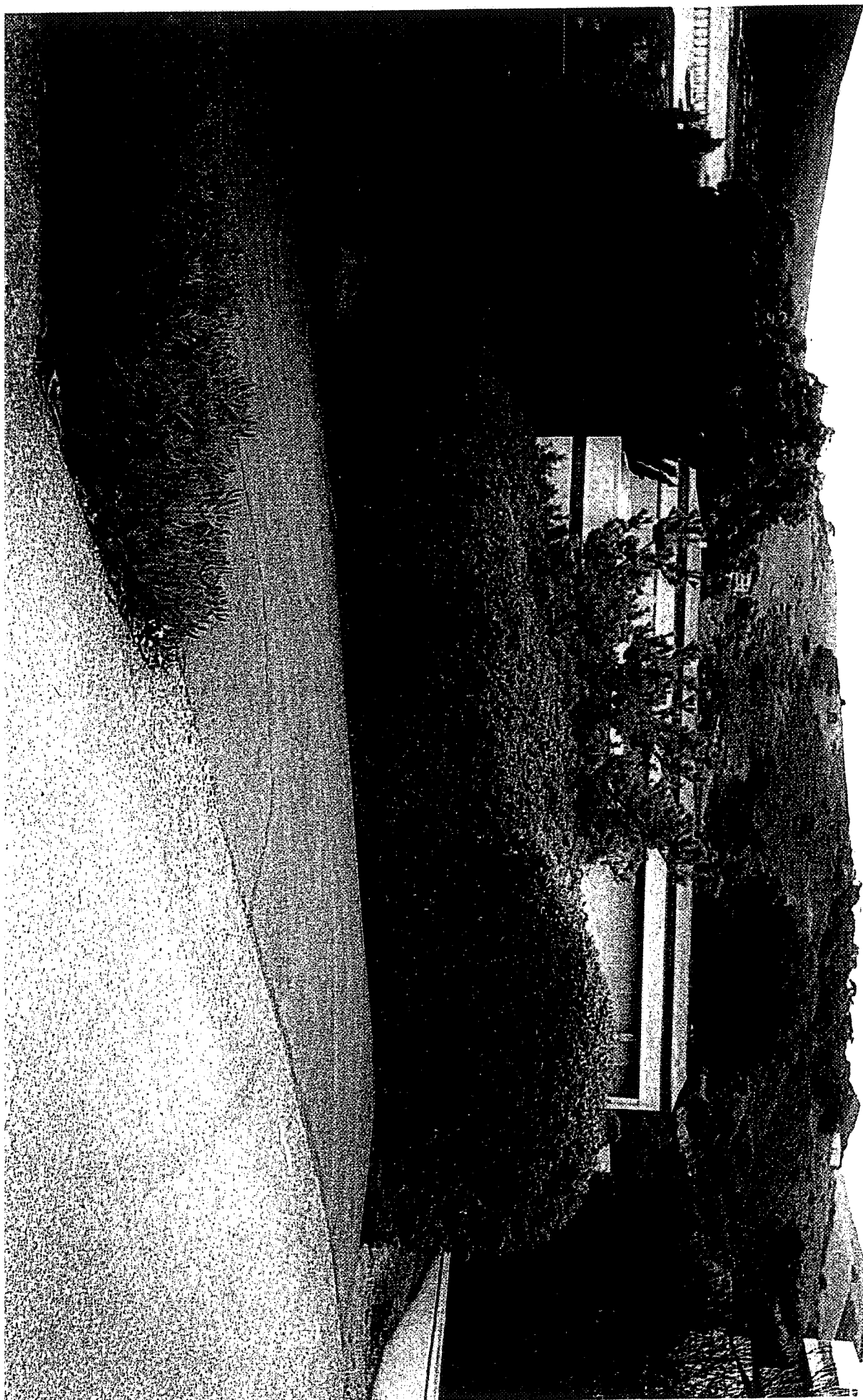


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C4



281  
C4





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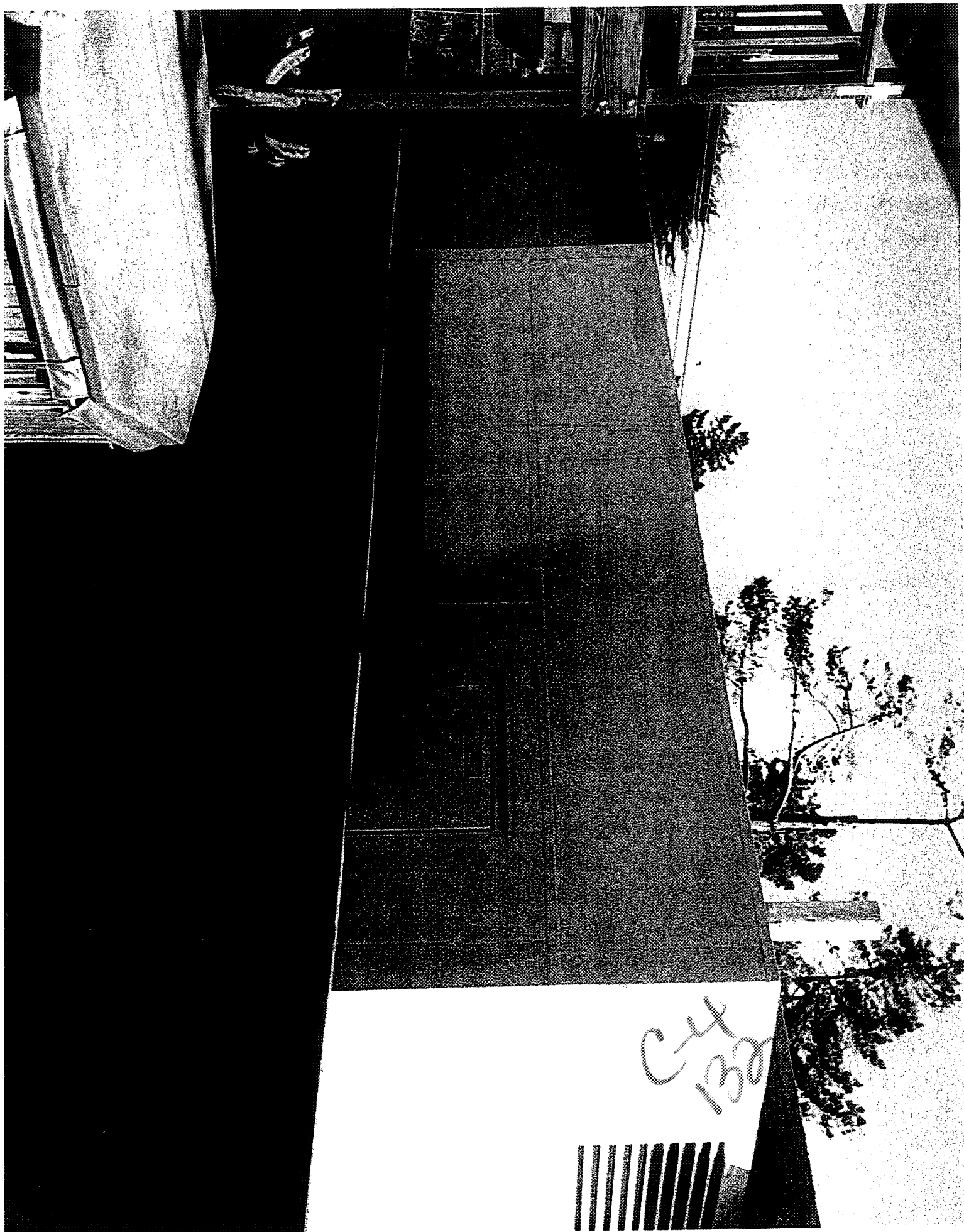


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Long - Leighton Avenue



C4  
131



C-4  
132

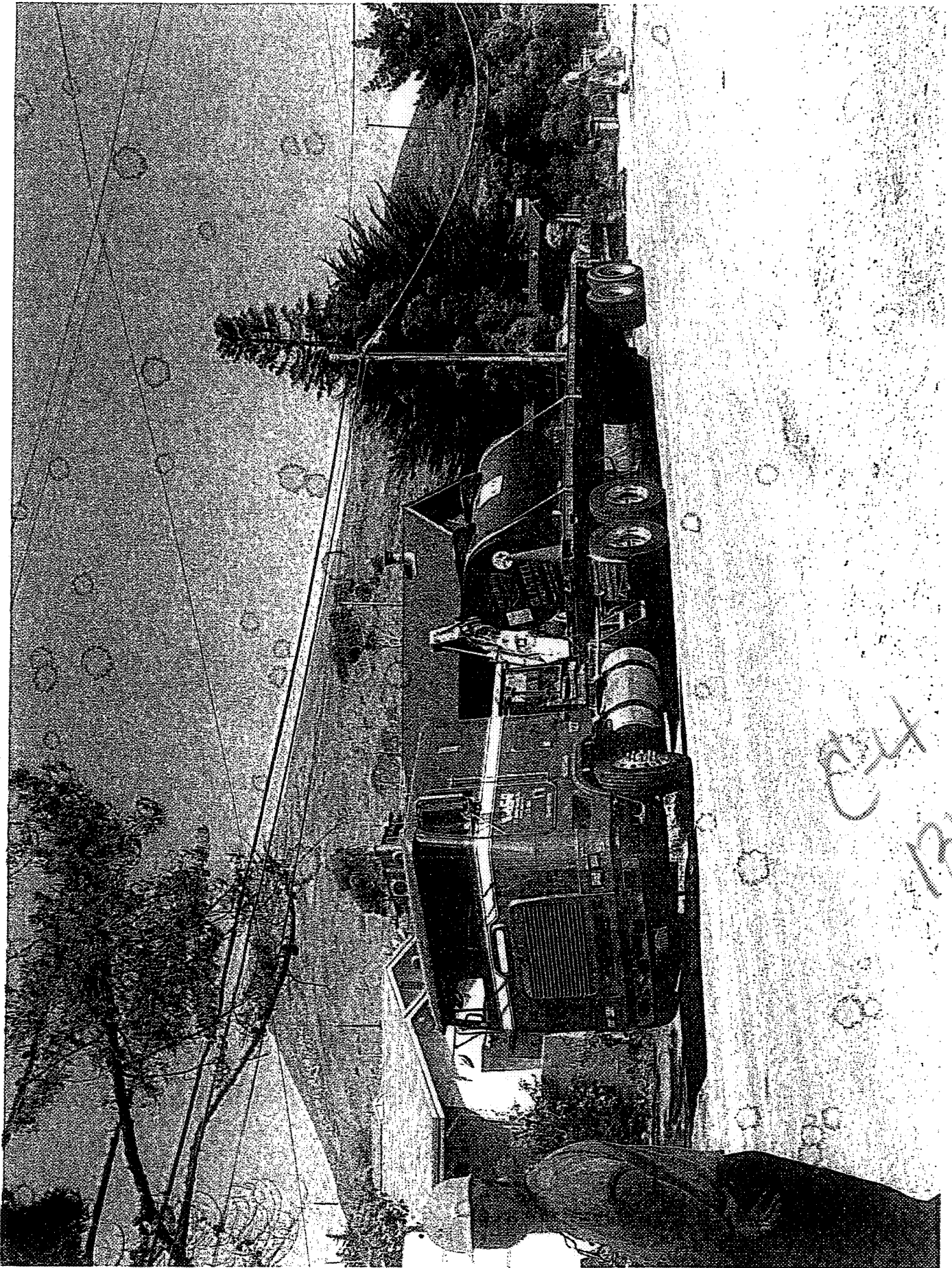




C-4  
133



The Truck Incident









Call 134

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May 22, 2005

ELDORA TRIGUERO  
108 W DEODAR DR  
LEMORE, CA 93245

Re: SBC File No.: PACB CS 2005 03 OS 0064

Dear Eldora Triguero:

I am writing to formally respond to your claim for property damage against SBC for flooding of your property at the rear of 68 12<sup>th</sup> St, in Cayucos, California, occurring on or about 3/18/05.

I have investigated your claim. It appears that our property and your property are situated on a natural slope, and that your property sits lower on the slope than does SBC's property. I understand that the pitch/hill sloping towards and down into your property is a natural condition. I understand that on or about March 18, 2005, the area sustained an unusual amount of rain, and that rainwater entered into your rental apartment, saturating the carpet. Naturally occurring rain/ground water appears to have caused this damage. You have suggested that SBC should have a drain diverting the water to the street. I am not aware of any such legal requirement that a property owner build a drain on their property for the purposes of directing naturally occurring rain water, much less directing toward the street (which, for SBC, would be uphill). Therefore, based on a review of the environment as well as the construction of our facilities, it appears that the saturation of your carpeting is not due to any negligence on SBC's part. Unfortunately, you have sustained damages due to environmental conditions over which we both have little or no control. In summary, SBC is not responsible for damage to your property. Therefore, based on the facts as I understand them, no voluntary payment will be forthcoming from this office.

If you have any questions, please feel free to call me at (216) 822-3262.

Sincerely,

  
Cynthia Warner  
SBC Risk Manager

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RECEIVED  
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Planning & Bldg

ELDORA SIMAS TRIGUEIRO  
108 W. DEODAR DRIVE  
LEMOORE, CA. 93245

November 11, 2005

Kerry Brown  
Project Manager  
San Luis Obispo County  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93409

RE: County File Nos. DRC2004-00060 & DRC2005-00041  
Assessor Parcel Number 064-163-016  
My Parcel No. 064163009

Dear Ms. Brown:

Thank you for the notice of the public hearing to a variance at 65 13th street, Cayucos, property owned by SBC Telephone Company where SBC consider a request for a permit to allow a new emergency generator to be located in the front setback. I am the owner of the adjacent piece of property located at 68 12th Street in Cayucos. I purchased this property May of 1963. I have a small apartment (Bunk House) used to be a rental and my own larger home.

I would like to challenge this matter and I do object to the granting of this variance. I have several reasons.

Issue 1: Noise and Air Pollution.

Issue 2: For years rain water has been diverted from SBC's back parking lot onto my property, the back yard and flooding my little apartment, the Bunk House, ruining carpet, wall panels and furniture. On March 22, 2005, Cayucos had over 3 inches of rain in one hour, rain water flooded my back yard, from SBC's Back Lot and flooded my little apartment, the Bunk House. I had to call Servicemaster to pull by rugs and move my furniture and they put fans out to dry the place. The fans were there for two weeks. My neighbor, Julie Gall, witnessed all of the rain water coming from the SBC's yard in to my back yard and my apartment. I contacted the SBC Phone Company's risk manager, Cynthia Warner, hoping SBC could reimburse me for damages. She issued a claim number on this. I believed SBC should have a drain diverting the water to the street. Enclosed is a copy of their letter dated May 22, 2005 advising me they could not help me with my claim,

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saying SBC is not responsible for damage to my property. The damaged cost me over \$2,000. Again in 1991, I did have rain water damage to the apartment, another loss.

I have home owner's insurance with State Farm however my property is not covered with flood insurance.

I will try to be at the public hearing November 30, 2005.

Sincerely yours,

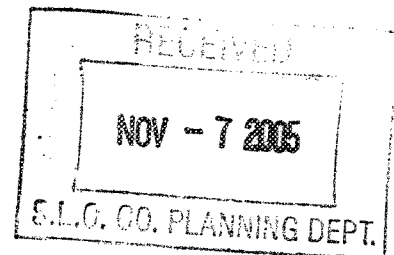
*Eldora Simas Trigueiro*  
Eldora Simas Trigueiro

Parcel No. 064-163-009  
Telephone 559-584-7857

Enclosures

C-4  
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HARRY M. HUMPHREY  
TRUSTEE OF THE MARSHALL TRUST  
835 SPRING DRIVE  
MILL VALLEY, CA 94941



November 2, 2005

Ms. Kerry Brown  
Project Manager  
San Luis Obispo County  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

RE: County File Nos. DRC2004-00-060 & DRC2005-00041  
Parcel No. 064163016

Dear Ms. Brown:

Thank you for the notice of the upcoming public hearing relative to a variance at 65 13th Street, Cayucos, which apparently is owned by SBC. I am the trustee for the adjacent piece of property located at 62 12th Street. The subject property has always been a bit of a mystery to me as to the ownership, which was not readily identifiable.

As I live in Marin County, it may not be possible for me to appear in person on the Wednesday after Thanksgiving, but I will try. In the event I cannot appear, I would like to strongly object to the granting of this variance.

I have several reasons which are as follows:

1. Noise. Emergency generators are extremely noisy as we have found in Marin County where we are frequently without power. Many of my neighbors have generators.

2. Air Pollution. Internal combustion engines give out carbon dioxide which will smell up the neighborhood.

3. Bad Neighbor. Apparently, for years, water has been deliberately diverted from SBC's back parking lot onto our property. My Aunt Lucile bought our property in 1968. It was used strictly as a summer vacation spot by my aunt and other members of our family. Last year, my aunt passed away and I became the

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Mr. Kerry Brown  
November 2, 2005  
Page 2

successor trustee and responsible for the wellbeing of this property. While at the memorial service for my aunt at the Cayucos cemetery, a heavy rain occurred with resultant flooding in our back yard, jeopardizing the foundations of our house. Upon investigating the source of this water, I discovered that the SBC building has paved over all of the land including the back yard but left a trough across the back property line next to their fence. This trough takes all the run-off and diverts it into our back yard at #62 and into the backyard of #68.

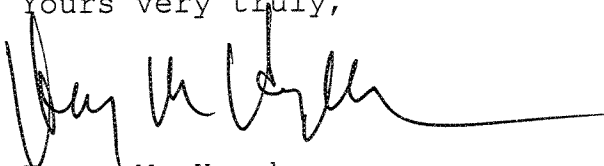
To exemplify this I have included several photographs. Photograph #1 shows the water from SBC's trench and puddling in the corner that flows into our property. Picture #2 is our backyard with water from SBC's property lapping at the foundations. Picture #3 is the backup of water occurring at #68 which is directly in back of the SBC building. Pictures #4 and #5 are the same gully when it is not raining.

Until your letter I had no idea who owned that building and who to complain to. While I realize this may not be germane to the granting of the variance, I think it is important that the attitude of a property owner towards its adjacent neighbors should be taken into consideration. This is an ugly building in the middle of a residential area; there has been absolutely no attempt to try to beautify the building with landscaping or a wood fence or anything to try to make it more attractive.

I am not sure why a telephone switching building is located in the middle of a residential area instead of a strip mall where it belongs. I am sure there is some historical reason for that. It seems to me with the price of real estate in Cayucos these days, that SBC would be better off tearing the building down and selling the lot. It would certainly provide enough capital to relocate to a more appropriate neighborhood.

Once again, thanks for calling this to my attention and I hope to attend the public hearing.

Yours very truly,



Harry M. Humphrey

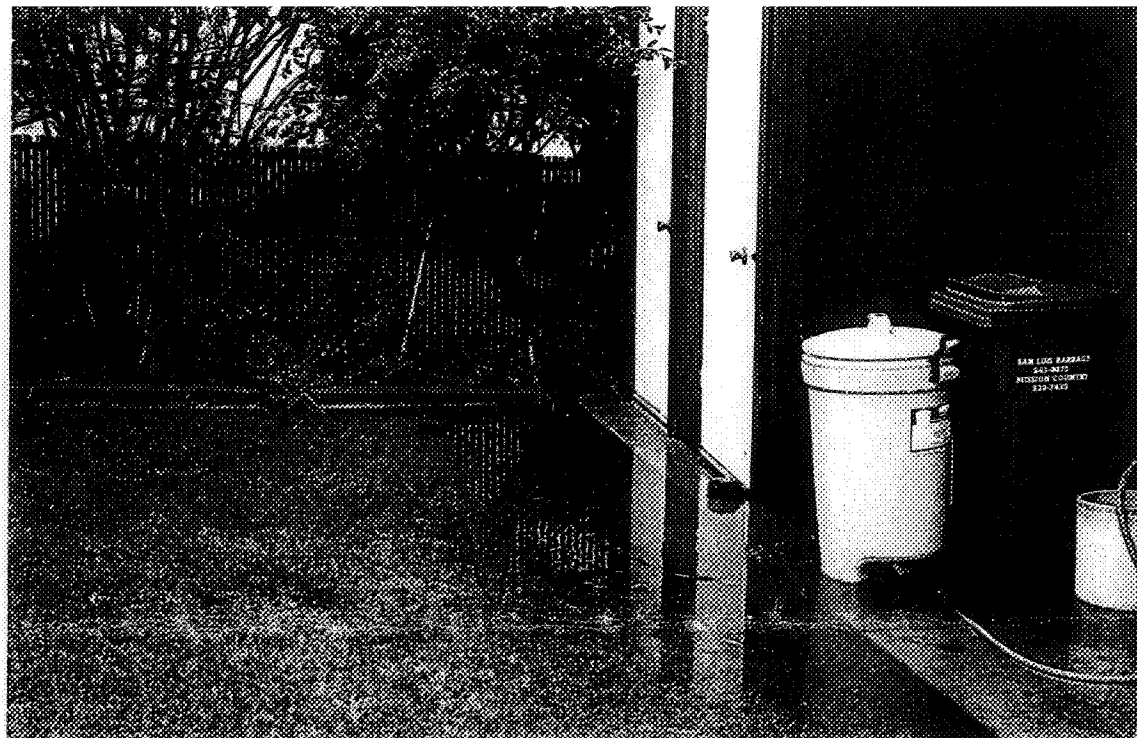


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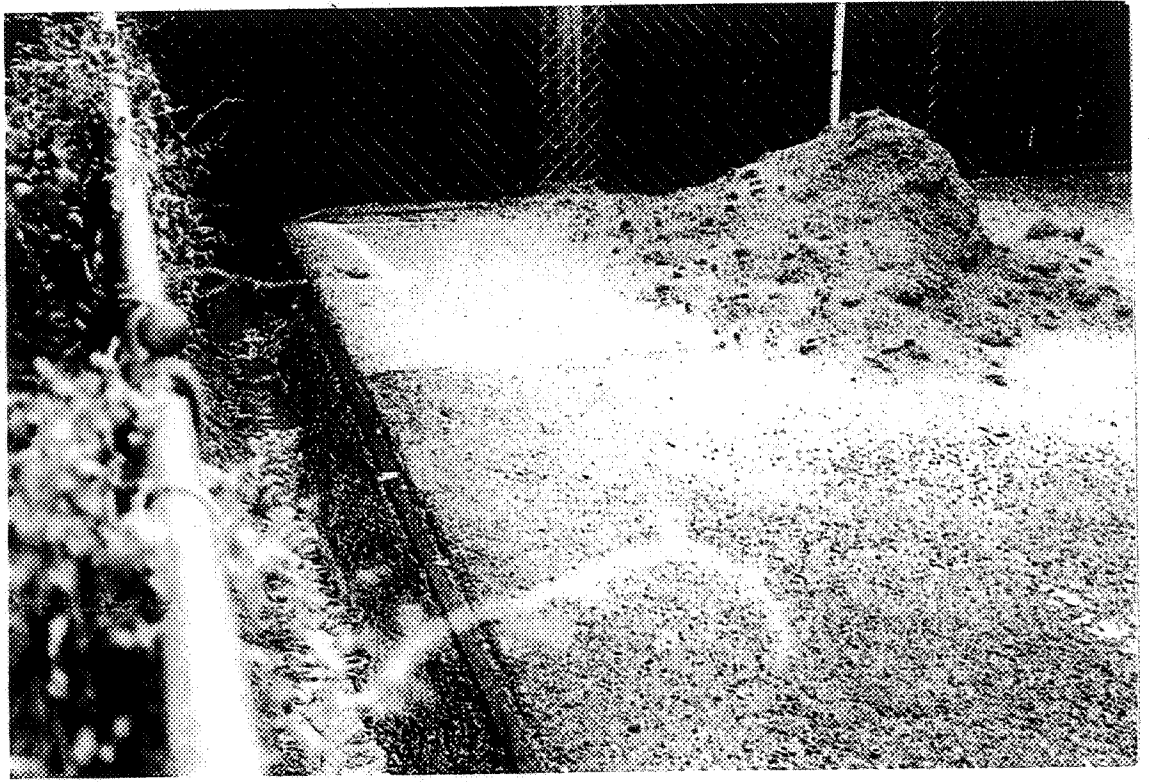


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